

# The HISTORICAL BULLETIN

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A CATHOLIC QUARTERLY  
*for Teachers and Students of History*

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No. 3

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Gilbert J. Garraghan, S. J. — Historian

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Anti-Church Policy

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Documents on Usury, II

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† **Raymond Corrigan, S. J.** †  
**1889 — 1943**

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THE HISTORICAL BULLETIN

St. Louis University

St. Louis, Missouri

Dear Sir:

February 25, 1943

May I take this opportunity to call to your attention the special symposium on "European Backgrounds of the Future World Peace" which will appear in the May, 1943 issue of The Historical Bulletin. The timeliness, as well as the practical value of such a symposium is evident. To build for the future we must know and understand the past. Indeed, for a clear understanding of the problems which will present themselves to our statesmen after this present war, knowledge of the past is of vital importance. The symposium aims to supply some of that important knowledge.

The symposium presents three articles written by authorities on the subject. Dr. Ross Hoffman will discuss the breakdown of Russia after World War I. Professor Maehl of St. Louis University will handle the delicate problem of Alsace-Lorraine, while Professor Samuel Johnson of Harris State Teachers College will write on the failure of the League of Nations. Other articles are in preparation and will appear in later issues.

May I suggest that you make it possible for the students of History, as well as other students at your school, to take advantage of this symposium for use in discussion groups, study clubs, reports, etc. The subject matter is essential for an intelligent understanding of present as well as future contingencies, and should be an item in every young Catholic's education during the present crisis.

In the interests of individuals as well as of groups, we are making the symposium issue available at the reduced rates of five copies for \$.75 or ten for \$1.25, provided the orders are placed with us before April 1, 1943. The May issue of The Bulletin will appear shortly after this date.

Sincerely yours,

*R. P. Meenan, Jr.*  
Business Manager



February 25, 1945

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# American Diplomats and the *Risorgimento*

Joseph T. Durkin, S. J., Ph. D.

University of Scranton  
Scranton, Pennsylvania

THE striking fairness of at least one type of American liberal is again illustrated in a series of observations made by our Ministers to Italy in the second half of last century.

The period witnessed the successful Cavourean attack on the privileged position of the Pope and the Catholic Church in the peninsula. The temporal power of the pontiff, the freedom of religious orders, and ecclesiastical jurisdiction as a whole, were reduced to a point in keeping with the Italian liberals' ideas of the proper subservience of Church to State.

All these improvements the Protestant and liberal American diplomats might have been expected to applaud, and indeed, to a considerable extent, they did so. However—and this is the noteworthy fact, with implications of some weight for today—they qualified their praise with some sharp condemnation of what they regarded as a decidedly un-American way of handling the Papal and Church questions. These qualifications, besides testifying to the sense of justice of the American representatives, and the essential soundness of the American liberalism which they embodied, constitute also an unexpected vindication of the claims of the Papalist and Catholic party.

This study will consider briefly four main blocs of such American testimony: 1) in regard to the temporal power of the Pope and the Roman revolution of 1848-1849; 2) in regard to the attack on the monasteries in 1854; 3) in regard to the invasion of the Papal States in 1859-1860; 4) in regard to the seizure of the city of Rome in 1870.

As to the first of these points: Nathaniel Niles was our representative at Turin at the time of the Roman

revolution of 1848-1849. He watched the attempt made against the political sovereignty of the Pope, and, rather surprisingly, speaks almost the language of the Ultramontaines.

Commenting on the assassination of Count Rossi, he writes that the Pope subsequently was forced to assent to the appointment of a new ministry whose names were dictated by a political club. If the French General Cavaignac possesses that decision of character which the occasion requires, he will at once send an army and a fleet to the mouth of the Tiber, and, "having re-established the Pope in his rightful constitutional authority, will guarantee its continuance by leaving an adequate military force at the disposal of the Papal government."<sup>1</sup> The interests of the Catholic Church, says the American Minister, so clearly require the independence of the Pope, as a temporal as well as an ecclesiastical prince, that great dissatisfaction will inevitably spring up all over Christendom if France should become his permanent or even protracted residence.<sup>2</sup>

This is somewhat unwonted language from a liberal and a Protestant; and, shortly afterward, Niles expresses his views more clearly:

For about eleven hundred years it has been the established and undisputed Law of Europe apropos of the Papal government, that its temporal control over the Roman States is essential to its existence as an independent spiritual institution. Without that independent support secured to the Pope

<sup>1</sup> The quotations from the American Ministers in this article are taken from the following unpublished sources: *United States Department of State, Despatches of American Ministers. The National Archives*, Washington, D.C. The present quotation is from the following volume: *Sardinia*, Vol. V. Niles, No. 14, November 30, 1848.

<sup>2</sup> *Sardinia*, Vol. V, Niles, n.n., Feb. 22, 1849.



by being the political chief of a limited territory with adequate revenues, he naturally and almost necessarily falls under the preponderating influence of some one of the great Catholic powers. Hence the necessity conceded by the whole Catholic world, of sustaining the Pope in his temporal authority over the States of the Church. As this is one of the essential bases of the great European compact which keeps the respective nations of the continent within their several orbits, in whatever relates to Catholicity, it cannot be presumed that so vital a principle will be set aside to conform to the will of a few hundred or even thousands of visionary political utopists, sustained by ruffians without character, without principles, without any higher objects than pillage and the illegal possession of other people's property.<sup>3</sup>

The acts of the revolutionary assembly which deposed the Pope from his temporal sovereignty were "hurried through under the pressure and dictatorship of irresponsible clubs of young and visionary politicians backed by the brute force of the most worthless rabble of brigands and bravos who fill the streets of Rome."<sup>4</sup> A system of terror and the menace of personal violence are said to have been the main instruments in pushing the revolution to its goal, "in spite of the well known opinions of a great majority of the Roman people opposed to every step in this dangerous career, from the assassination of Rossi down to the . . . deposition of the Pope."<sup>5</sup>

Pius is relying on the final triumph of reason and trusting to a return of correct moral and religious sentiments among his people.<sup>6</sup> There are obvious and pressing interests in favor of the Pope's restoration, for "Rome without a pope is deprived of its principle element of prosperity."<sup>7</sup>

Only in the concluding despatch of this particular series does Niles express sympathy with the aims of the anti-Papalists. He praises the law which deprives the ecclesiastical tribunals of all temporal jurisdiction; and he thinks that the opposition of the Papal government to this measure affords another proof of that government's weakness and folly, "as well as the total absence of that popular sympathy which alone sustains it as a temporal institution."<sup>8</sup> He believes even that the events of the last two years have tended to spread the idea very generally through the Catholic world that the Church should be divested of its temporal power and reduced to what it was intended to be—the exclusively spiritual supervisor of the interests and principles of Christian morality.<sup>9</sup> Yet, significantly, he admits that the current Papalist arguments are of no small weight.<sup>10</sup> And, while pointing out that the common

<sup>3</sup> *Sardinia*, Vol. V, Niles, n.n., Feb. 22, 1849.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Sardinia*, Vol. V, Niles, n.n., Feb. 22, 1849.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Sardinia*, Vol. V, Niles, No. 47, Apr. 30, 1850.

<sup>9</sup> *Ibid.*

<sup>10</sup> "It (the law suppressing the temporal jurisdiction of ecclesiastical tribunals) was resisted however with a good deal of ability in a well sustained debate of several days in which, on one hand, the injustice and impolicy of violating by legislative enactments, without the previous consent of the Pope, the provisions of a succession of concordats entered into by former Sovereigns in ancient times, were strongly urged as an infringement of the article of the Statute or Constitution which acknowledges the Catholic religion as the religion of the State. It was well urged that it especially becomes smaller states to exhibit an inexorable fidelity to all the obligations consecrated by treaty stipulations, inasmuch as the rights which international law establishes constitute their principal security and their chief weapon against the invasion and triumph of force . . ." (*Sardinia*, Vol. V, Niles, No. 47, Apr. 30, 1850.)

desire of Catholic Europe is to abolish the Temporal Power, yet he admits that this desire is conditioned by the necessity of maintaining the "independence of the Pope as the chief Bishop of Christianity."<sup>11</sup> How this could be done without insuring the pontiff's temporal independence—with sovereignty over at least a limited amount of territory—Niles does not say. But he had given the answer in previous despatches.<sup>12</sup>

#### *As Minister Daniel Saw It*

The comments of another American Minister in regard to a further actualization of the Italian Government's Church policy are notable for another virtue besides that of displaying the innate fairness of the observer. They show also the immense difference between the American and European concepts of liberalism, and the tremendous superiority of the American brand.

In late July of 1854 the Piedmontese government (which, in 1860, was to become the parent of the Italian Kingdom) began its attack on the religious orders. By the so-called Rattazzi Laws, all religious orders and congregations were to be abolished, except those devoted to public instruction, preaching, or to the care of the sick; no new religious order or congregation was to be created without the sanction of Parliament; no new members were to be received into existing orders or congregations without the permission of the Parliament; several chapters of collegiate churches and several benefices were entirely suppressed; the revenues of the suppressed orders and congregations were turned over to the State, which would henceforth pay stipends or pensions to the members of the disestablished societies.

Concerning this program the American Minister then resident at Turin, John M. Daniel, writes a long report, which concerns itself chiefly with the government's violations of the rights of property of the monastic bodies.

The American diplomat speaks from premises of American respect for legality and from American reverence for individual rights. He is no defender of the monastic system as such. He believes indeed that it is "mischievous and detrimental to the prosperity of the State," and thinks that its suppression on the score of temporary expediency would be wise. But, he says, whether it is wise to trample on the right of property for any temporary good, is a question which no American can even consider.<sup>13</sup>

The monasteries and convents, he notes, have existed as religious corporations from time immemorial. Their existence, their power to inherit and to possess property has been recognized and confirmed. Much of their real estate has been bestowed on them by individuals with the intention that it be used perpetually for the support of the monks and nuns. The government's seizure of the monastic properties is irreconcilable with the principles of "one who has been educated in the ideas and customs of the United States."<sup>14</sup>

Daniel then proceeds to demonstrate, almost in the  
(Please turn to page sixty-three)

<sup>11</sup> *Sardinia*, Vol. V, Niles, No. 47, Apr. 30, 1850.

<sup>12</sup> Cf. *supra*, pp. 3-4, despatch of Feb. 22, 1849.

<sup>13</sup> *Sardinia*, Vol. VI, Daniel, n.n., Sept. 4, 1854.

<sup>14</sup> *Ibid.*



# Gilbert J. Garraghan, S. J., Historian

Thomas F. O'Connor, M. A.<sup>1</sup>

*Syracuse, New York*

AMERICAN historical scholarship suffered a grievous loss with the death of Father Gilbert J. Garraghan, S.J., at Loyola University, Chicago, on June 6, 1942.

Singularly gifted by nature, he was doubly blessed in the formative influences that went to the moulding of his character and scholarship. Born in the City of Chicago, August 14, 1871, the son of Gilbert and Bedelia Kehoe Garraghan, at the age of two months he was carried in the arms of his mother from what seemed the inevitable path of a fire which swept the city during the dreadful days of October 9-10 of that year. A grandfather was the first of Irish birth to sit in the aldermanic council of the old city, and his mother, dying in 1931 was among the last adult survivors of pre-fire Chicago. As a youth he attended St. Ignatius College, one of the several institutions established through the vision and energy of Father Arnold Damen, S.J., whose parish of the Holy Family met the challenge and for a time enjoyed the prosperity of the phenomenal mid-century development of the West Side. As a Jesuit novice and junior at the historic St. Stanislaus Seminary, Florissant, Missouri, he lived on ground hallowed by the labors of the founders and pioneer members of the Missouri Province of the Society of Jesus, Van Quickenborne, Van Assche, De Smet, Van de Velde, to mention only a few, whose names are writ large in the history of the Church in the West. Their remains rested in the little cemetery on the grounds, lending a sense of nearness to the records of what they had accomplished for God and country. In the neighboring village stood then as now the ancient Church and Residence of the Jesuits and the Convent where Blessed Philippine Duchesne toiled to establish the Religious of the Sacred Heart in the New World. When the progress of his higher studies carried him to St. Louis University there began his long association with this oldest of universities in the Trans-Mississippi country. His mature years, passed for the most part at St. Louis University in the capacity of Socius to the Provincial and as professor of history rounded out his earlier associations with men and places that had gone into the making of the West.

If we have prefaced this tribute to his memory with what may seem a rather lengthy review of these backgrounds, it is because no one who was privileged to share his friendship in later years could fail to perceive the intimate manner in which these factors were fused with the more formal processes of research and criticism to produce the urbane and whole-hearted historian of the Catholic West.

## *Preliminary Studies and Preparation*

The details of his life, in common with scholars generally, are devoid of the glamorous and spectacular. After completing his primary education in the Foster School, Chicago, in 1882, he spent the next three years at St. Ignatius High School. Matriculating at St. Ignatius College in 1885, he graduated from that institution

with the degree of Bachelor of Arts in 1889. On September 1, 1890, he entered the Jesuit novitiate at Florissant, spending there the next three years,—two in the novitiate and one in the juniorate. The years 1893 to 1896 were passed as a student in the School of Philosophy and Science of St. Louis University. His teaching career was commenced at St. Xavier College, Cincinnati, where he remained from the autumn of 1896 to the spring of 1901. His theological studies were pursued at the St. Louis University School of Divinity, from 1901 to 1905. In June, 1904, he was ordained to the priesthood. The year, 1905-1906, was spent in the tertianship at Florissant.

Following the completion of the tertianship, Father Garraghan was assigned to the faculty of Creighton University, Omaha, where he remained one year. From 1907 to 1911 he taught at St. Stanislaus Seminary, Florissant.

In 1911 he was recalled to St. Louis as Socius to the Provincial, an office which he held from that year until 1921, and again from 1927 to 1928. Busy as were these years as Socius with the administrative duties of the old Missouri Province, then comprising the territory between the Appalachian and Rocky Mountains, they were golden harvest years for the research historian. Living at St. Louis University, he had at his command the rich archival collections of that institution, while his position gave him access to the archives of the other institutions of the Order located within the jurisdiction of the Province. The chief mid-western depositories of documents, secular and religious, were all within relatively easy reach. And it was during these years that the precious St. Louis Archdiocesan Archives were rescued and their treasures made available to scholars. By an economy of time for which he was always known, Father Garraghan was able to qualify for and obtain the Ph. D. from St. Louis University in 1919.

## *Research and Writing*

The years following the close of Father Garraghan's first term as Socius, in 1921, witnessed the appearance from his pen of a succession of monographs and books dealing with the history of the Church in the Middle West. Research and writing occupied him exclusively from 1921 to 1925, including several months spent in the Roman archives. In the latter year he became associated with the Graduate School of St. Louis University, and with the exception of one scholastic year, 1927-1928, retained that connection until his departure to Loyola University, Chicago, in 1932. In 1933 he again went to Europe for an extended search in the archives for materials bearing upon the history of the Jesuits in the United States. After his return to Loyola in 1935 he served as Research Professor of History and as a member of the Institute of Jesuit History.

Any adequate evaluation of Father Garraghan's contributions to history must at the outset recognize that his work was of such a nature as to entitle it to con-



sideration in more than one category. In the first place he will hardly fail of finding an honored place among the distinguished official historians of the Society of Jesus,—Duhr, Astrain, Tacchi-Venturi, Fouqueray, and the others,—who of late decades have been engaged in the production of definite histories of the several As-sitancies of the Society. Again, his works may be viewed as contributions to the general history of the Church in the United States, and more particularly in the Middle West. In a very real sense they may be considered as fundamental works for all future adequate study of the history of the American frontier. It may well be that future students of American historiography will find in this last aspect his most significant and abiding legacy to the cause of truth. But from whatever aspect his works be viewed, the nature and worth of their contributions remains constant and subject to the same canons of appraisal.

It was almost inevitable, in the light of American Catholic development, that the great majority of those who in the past have essayed to preserve and transmit the history of the Church in this country should have been amateurs. Their devotion to the Church made them zealous for the safeguarding of its records and traditions. The time they devoted to research and writing was usually snatched from the occasional hours of leisure remaining from their duties in the ministry, the classroom, or in the various avocations of secular life. They did the best they could and American Catholic history would today be irrevocably poorer were it not for their labors. But the ideal of historical workmanship demanded something quite different. Only with the advance of the twentieth century was an appreciable change apparent. Fortunately the Missouri Province was possessed of superiors with sufficient vision and stability of policy to provide for the needs of the new day. Their decision to allow Father Garraghan the leisure and facilities for intensive research and writing must be reckoned a significant milestone in American Catholic historiography. Relieved of the distractions which impair the productive efficiency of the scholar, he was able henceforth, with few interruptions, to pursue his historical labors.

#### *Early Contributions*

The earliest of his volumes on American church history was his *Catholic Beginnings in Kansas City, Missouri: An Historical Sketch*.<sup>1</sup> This work soon earned the respect of those most competent to judge. Built primarily upon the letters and reports of the pioneer missionaries to their superiors, it constitutes, despite its modest proportions, a necessary work for all who would adequately understand the complex elements entering into the development of the nineteenth-century Missouri-Kansas frontier. In it may be noted two features which remained characteristic of all his later work,—a persevering effort to base his narrative as far as possible on primary sources and to integrate the story of Catholic activity with the general history of the time and place.

This study was followed a year later by *The Catholic Church in Chicago, 1673-1871*.<sup>2</sup> Here, too, original

sources were resorted to wherever possible, but since the fire of 1871 had destroyed a large share of the ecclesiastical records of Chicago, reliance had to be placed to some extent on secondary accounts for the later chapters. The milieu of early Chicago differed in many respects from that of Kansas City, but both were akin in the transitional nature of much of the social processes operating during the first half of the nineteenth century. The note of transition runs through the volume, affording an excellent study of the problems confronting the bishops and priests of our larger urban dioceses in the era of immigration.

In *Saint Ferdinand de Florissant: the Story of an Ancient Parish*<sup>3</sup> still another area and type of frontier life is examined. The environment here was fundamentally French rather than Anglo-American, and demanded of the historian an appreciation of and sympathy with the Gallic institutions around which the life of the pioneer settlements of the Mississippi Valley was built. After the Jesuits and the Religious of the Sacred Heart had settled there Florissant took on an enviable importance as a nursery of the religious life in the western country, and Father Garraghan's volume, in addition to being one of our most admirably constructed parish histories, becomes a record of the simple beginnings of far-reaching religious enterprises.

#### *Additional Research*

The decade following the publication of this last work was devoted by Father Garraghan primarily to research in the history of the Church and of his Order in the Middle West. While no volume came from his pen during these years, he contributed a large number of scholarly articles to various historical journals. The products, for the most part, of his researches, it is probably true to say that these articles extended his reputation and influence more widely than did his previously published books. During these years, too, he was a regular attendant at the annual meetings of the national and regional historical societies. At many of these sessions he presented papers, and at all of them his genial personality and wide historical interests made him welcome. Most of these papers were printed in the historical journals, and in 1934 he republished a select number of them in *Chapters in Frontier History: Research Studies in the Making of the West*.<sup>4</sup> Some of these studies are definitive treatments of their respective aspects of western history, notably "Old Vincennes, A Chapter in the Ecclesiastical History of the West," "Chicago Under the French Régime," "The First Settlement on the Site of St. Louis," "Some Newly Discovered Western Maps," "The Trappists of Monks Mound," and "Nicholas Point, Jesuit Missionary in Montana of the Forties."

#### *Historical Societies*

During the decade of its life Father Garraghan was an active member of the Saint Louis Catholic Historical Society, being one of the small group of scholars,—Monsignors Frederick Holweck and John Rothensteiner, Doctor Charles L. Souvay, C.M., and Doctor Garraghan,

(Please turn to page sixty-six)

<sup>1</sup> Chicago, Loyola University Press, 1920, pp. 137.

<sup>2</sup> Chicago, Loyola University Press, 1921, pp. X, 236.

<sup>3</sup> Chicago, Loyola University Press, 1923, pp. 271.

<sup>4</sup> (Science and Culture Series) Milwaukee, Bruce Publishing Co., pp. XV, 188.



# The HISTORICAL BULLETIN

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## + Raymond Corrigan, S. J. + 1889 – 1943

An historian should write this tribute to Father Raymond Corrigan. Only an historian can set a right appreciation on his work, his unerring historical sense, his objectivity, his large tolerance. All, however, can appreciate his tremendous energy, the drive that urged him on ever to more work. He had taken to heart Saint Theresa's motto, *Labora, semper labora*, and her other, *Aut pati, aut mori*, and translated them into glowing golden realities that ruled his own life. Mysticism, incidentally, especially Spanish mysticism, with which he had become acquainted during his years in Spain, intrigued him greatly. More, he lived it; this and his unassuming hidden asceticism guided his life's plan. He was a "man of the Exercises," simple and solid in his spirituality.

### Published Works

His published works consist of his dissertation *Die Kongregationen de Propaganda und Ihre Tätigkeit in Nord-Amerika*, and *The Church and the Nineteenth Century*. Besides this, there was constant and continuous labor as editor of the *Historical Bulletin*, as well as his contributions to other journals, *Mid-America*, *The Catholic Historical Review*, *America*, and other magazines. He had planned several volumes; one on liberalism, one on secularism, one a collection of portraits of Great Catholic Laymen down to the Nineteenth Century. The last manuscript is the only one that will be published. The miracle was that he accomplished so much with so little time. He always carried a heavy teaching schedule besides his work as chairman of the department of history and director of theses.

Many things went into the fashioning of the man, the scholar, the Jesuit. His Catholic upbringing, his contact with the Jesuits at Creighton, his Alma Mater, turned out a youth of singular uprightness who took

almost naturally to religious life in the Society. His early scholastic years were unmarked by anything special except his steadfastness of purpose, his fidelity to every rule of religious life. Nothing spectacular about it; he took it for granted; it was the thing to be done; he did it. After he finished his philosophical studies—here as in everything he did he was solid, thorough, abhorring with every fibre of his being any display or pretentiousness—he was selected by his superiors for the mission in British Honduras. This came as a surprise, a welcome one. He had volunteered for the mission earlier but had been led to believe that he was to go on for higher studies. Undoubtedly his superiors believed that he was the type that would make a good missionary. Their hopes were more than realized. One cannot understand Father Corrigan if one does not take into consideration what the four years at Belize did for his soul. He never lost his missionary zeal. In that he never spared himself. In his later years there was not much time for works of the ministry. Yet he would steal time from his well-earned vacation to direct a retreat, to give tridua and to do other apostolic work. His students and others always found him a humane spiritual director, sympathetic yet forthright in giving solid spiritual advice.

### Studies Abroad

After Belize, he spent his last year of regency teaching a semester at Saint Louis University and a semester at Marquette University. It was only then, apparently, that he was told to prepare for historical work. He was sent for his theological studies to Barcelona, his fourth year was made at Valkenburgh in Holland, and his tertian year at Paray-le-Monial, all of them offering unusual opportunities for the future historian. At Barcelona he saw the forces at work that were to



result in the Civil War and at Paray-le-Monial he saw the disrupting elements that were to lead to the defeat of France.

In Valkenburgh and later at Munich he saw the death of the Weimar Republic and the beginnings of the career of the comic paper-hanger. Life is not easy for an American in any of these places; yet he took it casually. Better informed than most on trends and events in European affairs, he rarely talked about his European experiences except on one occasion; shortly after his return he mentioned in offhand fashion the difficulty he had in expressing gratitude to superiors for all that had been done for him. After his tertianship he went to Munich to study for his doctorate. He took for the subject of his dissertation the work the Congregation of Propaganda had done in America—again the missionary motif in his life. This necessitated a stay in Rome for the investigation of the archives of the Congregation.

His contacts with European scholars left an indelible mark upon him; yet *pedantisme* was always far from him. He loathed red tape; he wanted results; if his students knew their "stuff" he did not care whether they had credits in it or not. Offhand and informal and genuinely tolerant he built up the department of history at Saint Louis University into a very cooperative organization; there was a notable lack of friction; the opinion of everyone in the department was respected; and the output of scholarly work was above the ordinary.

All could profit by the lessons of Father Corrigan's life,—his selflessness, his devotion to truth, his pains-taking, meticulous care, his scholarship, his devotion to his students—was there ever any one who had more of the *facilis aditus* than Father Corrigan?—his contempt for fuss and pomposity, his hard-headed realism. His life taught his friends much; how much more his death.

Nothing in his life  
Became him like the leaving it; he died  
As one that hath been studied in his death,  
To throw away the dearest thing he ow'd  
As 't were a careless trifle.

When he discovered last September at the Mayo Clinic that he had not long to live he accepted it stoically and as a matter of fact. It was as if he were turning over the next page of a book to glance at the last chapter. It was God's plan; He knew and there was nothing to be done about it. No excitement, still less no histrionics. He returned to the University to do what he could. Death came on ruthlessly, yet with merciful swiftness. January 19th he died. The last week of his life those of us who were with him could see death stalking him day by day. He saw it too,

With glooming robes purpureal, cypress-crowned;  
His name I know and what his trumpet saith.

#### *Love of the Mass*

His ruling passion came to the fore then—his absolute devotion to the Mass, his stern asceticism. How St. Ignatius would have loved this man. He insisted up to the end on rising at five—before five actually—although again human wisdom was plucking at his elbow telling him that it was folly so to act. But this was the folly of the Cross and he would not be denied. "I fill

up those things which are lacking in the sufferings of Christ." He offered up the ineffable sacrifice up to two days before he died. He should not have done so; human prudence should have dissuaded him. As we helped him into the wheel chair and took him down three flights of stairs to the chapel in the Lindell Building we felt each day would be his last; it was the reenactment of the Via Dolorosa that led to ancient Golgotha. The glory and the splendour of that Mass offered up for the sins of the world by this dying priest day after day was an unforgettable picture. Priests of less heroic mould would have foregone that privilege—surely none could blame them. But not Father Corrigan. He was an ordained priest; his mission was to offer up the sacrifice; and "how I am straitened until it be accomplished."

Death for him was not an unwelcome visitor but a dear friend who opened for him the door that led to the City of Splendour where Christ the Son of God would welcome him home. It requires no imagination to imagine him saluting his Captain and Leader in his offhand fashion, "Well, Chief, I've done the job given to me—pretty well, pretty well."

The memory of this gallant soldier of Christ, worthy member of the Society of Jesus, whose asceticism was so very real yet always hidden, is the heritage that he has left to his religious brethren and his colleagues at Saint Louis University. May the readers of the *Historical Bulletin* say a little prayer for the repose of his soul.

Pie Jesu Domine  
Dona ei requiem

William J. McGucken, S.J.

*The Reverend John F. Bannon, Acting Director of the Department of History of Saint Louis University, has been appointed acting Editor of The Historical Bulletin. He assumes the position with the present issue.*

*A word of thanks is offered to the Reverend John E. Cantwell for the help and direction he gave while acting Editor during the illness of the Reverend Raymond Corrigan.*

*Remaining as consultant to the present acting Editor will be the Reverend Joseph S. Brusher.*

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#### BOOKS TO BE REVIEWED IN OUR NEXT ISSUE \*\*\*\*\*

*Decisive Battles of the U.S.A.*, by Major-General J. F. C. Fuller. Harpers. \$4.00.

*Bartolus on Social Conditions in the Fourteenth Century*, by Anna T. Sheedy. Columbia University Press. \$3.25.

*Builders of Latin America*, by Watt Stewart and Harold F. Peterson. Harpers.

*The Wisconsin*, by August Derleth. Farrar & Rinehart. \$2.50.

*School of the Citizen Soldier*, edited by Colonel Robert A. Griffin. D. Appleton Century. \$2.40.

*Land Hunger*, by Carl Coke Rister. University of Oklahoma Press. \$2.75.

*American Government*, by John McMahon. D. Appleton Century. \$2.40.

*The Standard of Living in 1860*, by Edgar W. Martin. University of Chicago Press.

*A Short History of Canada For Americans*, by Alfred Leroy Burt. University of Minnesota Press. \$3.00.



# Documents on Usury, II

John E. Cantwell, S. J., M. A.

St. Louis University

*X Clement VIII . . . for Mon Bononiensis—11 May, 1592. (annulling, if necessary, the decree said to have been issued by S.C.C. 28, Aug., 1582.)*

"Volentes quod quaecumque utriusque sexus personae, cujuscumque dignitatis, status, gradus, et conditionis existentes . . . super dicto monte, a quinquaginta scutis similibus super, quamcumque pecuniarum summam ponere et pro pecuniis sic positis, ad rationem sex vel aliud summum sex cum dimidio pro centenario, singulis annis et quolibet bimestri ratam sine aliquo peccato et conscientiae scrupulo, seu restitutionis vel satisfactionis onere in utroque foro . . . recipere et habere valeant . . ."

"Cum Sicut," Bullar. T v, pars I.—Ballerini-Palmieri Opus Theol. Morale, vol. III, p. 617, Giachetti, 1890—hereafter referred to as B.P.

It is our will that any and every person, of either sex, of any dignity, state, grade or condition, may place in the aforesaid mons (Mons Bononiensis) any sum of money which is greater than 500 scudi, and may receive and keep, without any sin and without any scruple of conscience or burden of restitution or satisfaction either in conscience or at law, for the money so placed interest at the rate of 6%, or at the most 6½%, per year, payable every two months.

*XI Urban VIII . . . 23 Sept., 1628.*

"Volumus autem, quod quaecumque utriusque sexus personae, cujuscumque dignitatis, status, gradus, et conditionis existentes, quae in monte ejusmodi quamcumque pecuniarum summam, non tamen infra scuta centum similia, . . . erogare et ponere voluerint, pro pecuniis sic positis fructus ad rationem quinque pro quolibet loco (i.e. centenario) annis singulis et quolibet bimestri eorum ratam, licite et libere, sine aliquo conscientiae scrupulo, seu restitutionis aut satisfactionis onere, percipere . . . et habere valeant.

"Alias . . ."—B.P. p. 617.

It is our will that any and every person, of either sex, of every dignity, state, grade or condition who shall wish to set aside and place in a mons of that kind any sum of money which is not less than the equivalent of 100 scudi, may receive and keep, licitly and freely, without any scruple of conscience or burden of restitution or satisfaction, interest on the money thus placed at the rate of 5% per year payable every two months.

*XII S.C.P.F. 12 Sept. 1645 (renewed 18 Mar., 1784).*

In praefato regno sancitum est, ut in mutuo 30 pro 100 accipiantur absque respectu lucri cessantis aut damni emergentis. Quaeritur, utrum Chinensibus sit licitum pro pecuniarum suarum mutuo, licet non interveniat lucrum cessans aut damnum emergens, praedictam, pro centum, triginta quantitatem, regni lege taxatam, accipere. Et causa dubitandi est, quia in recuperanda pecunia est aliquod periculum, scilicet quod qui accipit mutuatum fugiat vel quod tardet in solvendo

vel quod necessarium sit coram iudice repetere vel propter alia hujusmodi.

Eminentissimi Patres censuerunt ratione mutui immediate et praecise nihil esse accipiendum ultra sortem principalem; si vero aliquid accipiant ratione periculi probabiliter imminetis prout in casu, non esse inquietandos, dummodo habeatur ratio qualitatis periculi et probabilitatis ejusdem ac servata proportionem inter periculum et id quod accipitur.

Eadem Congregatione supplicante, sanctiss. D. N. ad conservandam uniformitatem in praedicatione ejusque praxi, omnibus et singulis missionariis cujuscumque ordinis, religionis, et instituti etiam Societatis Jesu in regnis Sinarum aut Chinae pro tempore existentibus vel exstuturis, sub poena excommunicationis latae sententiae Sanctitati suae et s. Sedi Apostolicae specialiter reservatae, districtae praecipiendo mandavit, quatenus praedicta et resolutiones diligenter observent illisque in praxi utantur ac ab illis, ad quos pertinent, observari et practicari faciant, donec Sanctitas sua vel S. Sedes Apostolica aliud ordinaverit.—B.P. p. 609.

*S.C.P.F. 12 Sept., 1645.*

In the aforementioned kingdom (of China) the law allows 30% interest to be received on a loan of mutuum, without regard to the cessation of gain or consequent loss. It is asked whether it is licit for the Chinese to accept for a loan of their moneys at mutuum the aforementioned amount, 30%, determined by law of the realm, although there exists no cessation of gain or consequent loss. And the reason for the doubt is: in the recovery of the money there is some risk, namely, that the borrower may flee, or that he may be slow in repayment, or that it may be necessary to seek repayment through the courts, or some other danger of that kind.

Their Eminences judged that immediately and precisely by reason of the loan of mutuum nothing beyond the amount loaned could be received; but that if the lenders receive some profit by reason of a probably threatening risk, as in the proposed case, they are not to be disturbed provided account is taken of the quality of the danger and of the probability of its imminence, and provided there is observed a proportion between the risk and the profit received.

At the request of the same congregation, Our Most Holy Lord, in order to preserve uniformity in preaching this and in the practice of it, commanded under strict precept all and every missionary of whatever order, religion and institute, even of the Society of Jesus, who were at the time in the kingdoms of Japan and China or would be there in the future, under pain of excommunication latae sententiae specially reserved to His Holiness and the Apostolic See, to observe diligently the aforesaid resolutions, and to follow them in practice, and to see that they were observed and practiced by those whom it concerned, until his holiness or the Holy Apostolic See should have ordained otherwise.



*XIII Errores.*

Alexander XII (1655-67) (Omnes prop. damnatae et prohibitate ut minimum tanquam scandalosae).

42. Licitum est mutuanti aliquid ultra sortem exigere, si se obligat ad non repetendam sortem usque ad certum tempus.—D.B.U. p. 344.

Innocent XI (1676-89) (Omnes . . . sicut jacent, ut minimum tanquam scandalosae et in proxi perniciosae).

40. Contractus mohatra licitus est, etiam respectu ejusdem personae et cum contractu retrovenditionis praevis inito cum intentiones lucri.

41. Cum numerata pecunia pretiosior sit numeranda, et nullus sit, qui non majoris faciat pecuniam praesentem quam futuram, potest creditor aliquid ultra sortem a mutu(at)ario exigere et eo titulo ab usura execusari.

42. Usura non est, dum ultra sortem aliquid exigitur tanquam ex benevolentia et gratitudine debitum, sed solum si exigatur tanquam ex justitia debitum.—D.B.U. p. 350.

*Errors.*

Alexander VII (1655-1667). (All the above propositions are condemned and prohibited as being, at least, scandalous).

42. It is licit for the lender to demand more than the amount loaned if he obliges himself not to ask for the return of the loan until a specified time.

Innocent XI (1676-1689). (All . . . as they are stated, as being at least scandalous and, if used, destructive).

40. The contract called mohatra is licit even if it is entered into with the same person and is united to a previously agreed upon condition of resale, entered into for the sake of gain.

41. Since cash in hand is more valuable than money to be received, and since every one values present money more than future money, a creditor may demand from the borrower the return of more than he loaned, and be excused from usury by the above-mentioned title.

42. It is not usury when the return of more than was loaned is demanded as due in benevolence, but only when it is demanded as due in justice.

*XIV Benedictus XIV (1745).*

Venerabilibus Fratribus Patriarchis, Archiepiscopis, Episcopis, et Ordinariis Italiae.

Vix pervenit ad auras nostras, ob novam controversiam (nempe, an quidam contractus validus judicari debeat) nonnullas per Italiam disseminari sententias, quae sanae doctrinae haud consentaneae viderentur; cum statim nostri Apostolici muneris partem esse duximus, opportunum affere remedium, ne malum ejusmodi, temporis diuturnitate, ac silentio, vires magis acquireret; aditumque ipsi intercludere, ne latius serperet, et incolumes adhuc Italiae Civitates labefactaret.

Quapropter eam rationem, consiliumque suscepimus, quo Sedes Apostolica semper uti consuevit: Quippe rem totam explicavimus nonnullis Venerebilibus Fratribus Nostris Sanctae Romanae Ecclesiae Cardinalibus, qui Sacrae Theologiae scientia, et Canonicae Disciplinae studio ac peritia plurimum commendantur: Accivimus etiam plures Regulares in utraque facultate praestantes; quorum aliquos ex Monachis, alios ex Ordine Mendicantium, alios demum ex Clericis Regularibus selegimus; Praesulem quoque Juris utriusque laurea praeditum, et in Foro diu versatum adhibuimus. Diem quartam in-

diximus Julii, qui nuper praeteriit, ut coram Nobis illi omnes convenirent, quibus naturam totius negotii declaravimus; quod illis antea cognitum perspectumque deprehendimus.

Post haec precepimus, ut omni partium studio, omnique cupiditati soluti, rem totam accurate perpendere, suasque opiniones scripto exararent; non tamen expetivimus ab ipsis, ut judicium ferrent de contractu, qui controversiae causam initio praebuerat, cum plura documenta non suppetere, quae necessario ad id requirerentur; Sed ut certam de usuris doctrinam constituerent, cui non mediocriter detrimentum inferre videbantur et, quae nuper in vulgus spargi coeperunt: Jussa fecerunt universi; nam suas sententias palam declararunt in duabus Congregationibus, quarum prima coram Nobis habita est die 18 Julii, altera vero prima die Augusti, qui menses nuper elapsi sunt; ac demum easdem sententias Congregationis Secretario scriptas tradiderunt.

Poro haec unanimi consensu probaverunt.

1. Peccati genus illud, quod usura vacatur, quodque in contractu mutui propriam suam sedem, et locum habet, in eo est repositum, quod quis ex ipsomet mutuo, quod suapte natura tantundem dumtaxat reddi postulat, quantum receptum est, plus sibi reddi velit quam est receptum; ideoque ultra sortem lucrum aliquod, ipsius ratione mutui, sibi deberi contendat. Omne propterea hujusmodi lucrum, quod sortem superet, illicitum et urarium est.

2. Neque vero ad istam labem purgandam, ullum arcessiri subsidium poterit, vel ex eo, quod id lucrum non excedens, et nimium, sed moderatum; non magnum sed exiguum sit; vel ex eo, quod is, a quo id lucrum solius causa mutui deposcitur, non pauper, sed dives existat; nec datam sibi mutuo summam relicturus otiosam, sed ad fortunas suas amplificandas, vel novis coemendis praediis vel quaestuosis agitandis negotiis, utilissime sit impensurus. Contra mutui siquidem legem, quae necessario in dati atque redditu aequalitate versatur, agere ille convincitur, quisquis, eadem aequalitate simul posita, plus aliquid a quolibet vi mutui ipsius, cui per aequali jam satis est factum, exigere adhuc non veretur; proindeque, si acceperit, restituendo erit obnoxius, ex ejus obligatione justitiae, quam commutativam appellant, et cujus est, in humanis contractibus aequalitatem cujusque propriam et sancte servare, et non servatam exacte reparare.

3. Per haec autem nequaquam negatur, posse quandoque una cum mutui contractu quosdam alios, ut aiunt, titulos, eosdemque ipsimet universim naturae mutui minime innatos et intrinsecos, forte concurrere, ex quibus justa omnino legitimaque causa consurgat quiddam amplius supra sortem ex mutuo debitam rite exigendi. Neque item negatur, posse multoties pecuniam ab unoquoque suam, per alios diversae prorsus naturae a mutui natura contractus, recte collocari et impendi, sive ad proventus sibi annuos conquirendos, sive etiam ad licitam mercaturam, et negotiationem exercendam, honestaque inde lucra percipienda.

4. Quemadmodum vero, in tot ejusmodi diversis contractuum generibus, si sua cujusque non servatur aequalitas, quidquid plus justo recipitur, si minus ad usuram, (eo quod omne mutuum tam apertum, quam palliatum



absit), at certe ad aliam veram injustitiam, restituendi onus pariter afferentem, spectare compertum est: ita, si rite omnia peragantur, et ad justitiae libram exigantur, dubitandum non est, quin multiplex in iisdem contractibus licitis modus et ratio suppetat humana commercia et fractuosam ipsam negotiationem ad publicum commodum, conservandi ac frequentandi. Absit enim a Christianorum animis, ut per usuras, aut similes alienas injurias florere posse lucrosa commercia existiment; cum contra ex ipso Oraculo Divino discamus, quod "justitia elevat gentem, miseros autem facit populos peccatum." Prov. 14, 34.

5. Sed id diligenter animadvertendum est, falso sibi quemquam, et nonnisi temere persuasurum, reperiri semper, ac praesto ubique esse vel una cum mutuo titulos alios legitimos, vel secluso etiam mutuo, contractus alios justos, quorum vel titulorum vel contractuum praesidio, quotiescumque pecunia, frumentum, aliudve id generis alteri cuicumque creditur, toties semper liceat auctarium moderatum, ultra sortem integram salvamque recipere. Ita si quis senserit, non modo Divinis Documentis et Catholicae Ecclesiae de usura judicio, sed ipsi etiam humano communi sensui, ac naturali rationi procul dubio adversabitur. Neminem enim id saltem latere potest, quod multis in casibus tenetur homo, simplici ac nudo mutuo alteri succurrere, ipso praesertim Christo Domino edocente: "Volenti mutuari a te, ne avertaris" Matt v, 422; et quod similiter multis in circumstantiis, praeter unum mutuum, alteri nulli vero justoque contractui locus esse possit. Quisquis igitur suae conscientiae consultum velit, inquirat prius diligenter oportet, verene cum mutuo justus alius titulus; verene justus alter a mutuo contractus occurrat, quorum beneficio, quod quaerit lucrum, omnis labis expers et immune reddatur.

His verbis complectuntur, et explicant Sententias Suas Cardinales, ac Theologi, et Viri Canonum peritissimi, quorum consilium in hoc gravissimo negotio postulavimus; Nos quoque privatum studium nostrum conferre in eandem causam non praetermisimus, antequam Congregationes haberentur, et quo tempore habebantur, et ipsis etiam peractis; Nam praestantium Virorum Suffragia, quae modo commemoravimus, diligentissime percurrimus. Cum haec ita sint, adprobamus, et confirmamus quaecumque in Sententiis superius expositis continentur; cum Scriptores plane omnes, Theologiae, et Canonum Professores, plura Sacram Literarum testimonia, Pontificum Decessorum Nostrorum Decreta, Conciliorum, et Patrum auctoritas, ad easdem Sententias comprobandas pene conspirare videantur. Insuper aperitissime cognovimus auctores, quibus contrariae Sententiae referri debent; et eos pariter, qui illas fovent, ac tumentur, aut illie ansam, seu occasionem praebere videntur; Neque ignoramus quanta Sapientia, et gravitate defensionem veritatis susceperint Theologi finitimi illis Regionibus, ubi controversae ejusmodi principium habuerunt.

Quare has literas Encyclicas dedimus universis Italiae archiepiscopis, Episcopis, et Ordinariis, ut haec Tibi, Venerabilis Frater, et ceteris omnibus innotescerent; et quoties Synodus celebrare, ad Populum verba facere, eumque sacris doctrinis instruere contigerit, nihil omnino alienum proferatur ab iis Sententiis, quas superius recensuimus. Admonemus etiam vehementer, omnem sol-

licitudinem impendere, ne quis in vestris Dioecesium audeat Literis, aut Sermonibus contrarium docere; Si quis autem parere detrectaverit, illum obnoxium et subjectum declaramus poenis per Sacros Canones in eos propositis, qui mandata Apostolica contempserint ac violaverint.

De Contractu autem, qui novas has controversias excitavit, nihil in praesentia statuimus; Nihil etiam decernimus modo de aliis contractibus, pro quibus Theologi, et Canonum Interpretes in diversas abeunt sententias; Attamen pietatis vestrae Studium ac Religionem inflammandam existimamus, ut haec, quae subijcimus, executioni demandetis.

Primum gravissimis verbis Populis vestris ostendite, usurae labem ac vitium a Divinis Literis vehementer improbari; Illud quidem varias formas atque species induere, ut Fideles Christi Sanguine restitutos in libertatem et gratiam rursus in extremam ruinam praecipites impellat; Quocirca si pecuniam suam collocare velint, diligenter caveant, ne cupiditate omnium malorum fonte rapiantur; sed potius ab illis, qui doctrinae ac virtutis gloria supra ceteros efferuntur, consilium exopscant.

Secundo loco, qui viribus suis, ac sapientiae ita confidunt, ut responsum ferre de iis quaestionibus non dubitent, (quae tamen haud exigam Sacrae Theologiae, et Canonum scientiam requirunt;) ab extremis, quae semper vitiosa sunt, longe se absterneant; Etenim aliqui tanta severitate de iis rebus judicant, ut quamlibet utilitatem ex pecunia desumptam accusent, tamquam illicitam, et cum usura conjunctam; Contra vero nonnulli indulgentes adeo, remissique sunt, ut quodcumque emolumentum ab usurae turpitudine liberum existiment. Suis privatis opinionibus ne nimis adhaereant; sed priusquam responsum reddant, plures Scriptores examinent, qui magis inter ceteros praedicantur; Deinde eas partes suscipiant, quas tum ratione, tum auctoritate plane confirmatas intelligent. Quod si disputatio insurgat, dum contractus aliquis in examen adducitur, nullae omnino contumeliae in eos confingantur, qui contrariam Sententiam sequuntur, neque illam gravibus Censuris notandam afferant, si praesertim ratione, et praestantium Virorum testimoniis minime careat; Siquidem convicia, atque injuriae vinculum Christianae charitatis infringunt, et gravissimam populi offensionem, et scandalum praeseferunt.

Tertio loco, qui ab omni usurae labe se immunes et integros praestare volunt, suamque pecuniam ita alteri dare, ut fructum legitimum solummodo percipiant, admonendi sunt, ut contractum instituendum antea declarent, et condiciones inserendas explicant, et quem fructum ex eadem pecunia postulent; Haec magnopere conferunt non modo ad animi sollicitudinem et scrupulos evitandos, sed ad ipsum contractum in Foro externo comprobandum: Haec etiam aditum intercludunt disputationibus, quae non semel concitandae sunt, ut clare pateat, utrum pecunia, quae rite data alteri esse videtur, revera tamen palliatam usuram contineat.

Quarto loco vos hortamur, ne aditum relinquatis ineptis illorum Sermonibus, qui dictitant, de usuris hoc tempore quaestionem institui, quae solo nomine continetur; cum ex pecunia, quae qualibet ratione alteri conceditur, fructus ut plurimum comparetur. Etenim



quam falsum id sit, et a veritate alienum plane deprehendimus, si perpendamus, naturam unius contractus ab alterius natura prorsus diversam et sejunctam esse; Et ea pariter discrepare magnopere inter se, quae a diversis inter se contractibus consequuntur. Revera discrimen apertissimum intercedit fructum inter, qui jure licito ex pecunia desumitur, ideoque potest in utroque Foro retineri; Ac fructum, qui ex pecunia illicite conciliatur; ideoque Fori utriusque judicio restituendus decernitur. Constat igitur haud inanem de usuris quaestionem hoc tempore proponi ob eam causam, quod ut plurimum ex pecunia, quae alteri tribuitur, fructus aliquis accipitur.

Haec potissimum vobis indicanda censuimus, sperantes fore, ut mandetis executioni quaecumque per has Literas a Nobis praescribuntur: Opportunis quoque remediis consultetis, uti confidimus, si forte ob hanc novam de usuris controversiam in Diocesi vestrae turbae concitentur, vel corruptelae ad labefactandum sanae doctrinae candorem et puritatem inducantur: Postremo vobis, et Gregi curae vestrae concedito, Apostolicam Benedictionem impertimur.

Datum Romae aoud S. Mariam Majorem die prima Novembris MDCCXLIV Pontificatus Nostri Anno Sexto. —Bullarium, I. and II, Mainardi, Rome: Occhi, Venice, 1760, p. 258. Cf. D.B.U. p. 387.

#### *Pervenit 1745.*

As soon as we had heard that several opinions, which seem altogether inconsistent with sound doctrine, were being spread through Italy as a result of a recent controversy as to whether a certain type of contract ought to be judged valid, we immediately judged it to be a part of our apostolic office to supply an opportune remedy lest an evil of that kind should gain more strength through the passing of time and silence about it, and to close the door upon the evil itself lest it become more widespread and contaminate the cities of Italy which have been up to this time untouched by it.

Wherefore we made use of the mode of action and of taking counsel which the Apostolic See has always been accustomed to use. We explained the whole affair to some of Our Venerable Brethren, Cardinals of the Holy Roman Church, who are very highly regarded for their knowledge of Sacred Theology and for their study of and learning in Canonical discipline. We also summoned many of the Regular clergy who are outstanding men in those two fields; some of these we chose from the ranks of the monastic orders, others from the mendicant orders, others from the clerks regular. We called upon the talents of a magistrate who is a doctor of both canon and civil law, and who has had long experience in the courts. We ordered all these to appear before us on the fourth of July last, and explained the whole affair to them. We learned that they had known of the matter before and had a complete understanding of the situation.

We then commanded them to consider the whole matter carefully, without allowing themselves to be influenced by any prejudice or greed, and to present individually written expositions of their opinions. We did not, however, ask them to give their judgment on that type of contract which had been the original cause of the controversy, because many of the documents

that were needed for that task were not at hand. But we asked them to state the true doctrine on usury. For the opinions that have recently begun to be spread about seemed to be working greatly to the detriment of it. All obeyed the commands. They stated their opinions plainly, in two assemblies, the first held in our presence on the 18th of July, the second on the first of August last; and finally all handed in written copies of their views to the secretary of the congregation.

They agreed unanimously on the following points:

1. That kind of sin which is called usury and which has its proper place and seat in the contract of mutuum consists in this, that a lender, by reason of the mutuum itself, whereas the very nature of the mutuum demands that only so much be returned as was borrowed, wishes to have returned to him more than was borrowed. Thus he maintains that there is due him over and above his loan, some profit by reason of the mutuum itself. Wherefore every profit of this kind, in excess of the loan, is illicit and usurious.

2. To cleanse away this stain no help can be had either in the fact that the profit is not excessive and beyond measure but moderate, is not great but small, or from the fact that the borrower from whom that profit is demanded solely by reason of the mutuum, is not poor but rich, and does not propose to let the money given in mutuum lie idle, but intends to use it in the best possible way to increase his fortune, either by the purchase of new lands or by engaging in gainful trade. The law of the mutuum which necessarily consists in an equality between what is given and what is returned, is violated by the man who after that equality has been established, does not fear to demand something more from the debtor, no matter what his financial condition, by reason of the mutuum itself, which has already been satisfied by the return of the amount borrowed. Therefore, if one has accepted such profit, he is bound to restitution by the obligation of that kind of justice which is called commutative, to which it pertains to preserve holily in human contracts that equality which is proper to each contract, and to restore that equality exactly if it has not been observed.

3. By these decisions, however, we do not at all deny that sometimes there can perhaps exist along with the contract of mutuum, certain other titles, as they are called, which are not at all innate and intrinsic to the very nature of the contract of mutuum, by reason of which an altogether honest and legitimate cause arises for justly demanding something over and above the sum which is due by mutuum. Neither do we deny that very frequently a man can honestly use his money in accordance with other contracts that are altogether different from the contract of mutuum, either to acquire an annual revenue or to engage in licit commercial or industrial business with the intention of gaining therefrom honest profits.

4. As in the case of a mutuum, so in the many different types of contracts of this kind, if the equality proper to each one is not observed, any profit beyond what is just, even though it may not be usurious—for the reason that there is no mutuum in the case, neither open nor hidden—is clearly and certainly seen to per-



tain to some other type of true injustice which, as in the case of usury, imposes the burden of restitution. So if the details of a contract are properly handled, the contracts duly entered upon, and the exactions of justice carefully observed, there can be no doubt that there are many ways of using these licit contracts to preserve and increase commerce among men and profitable business enterprises to the common benefit. Let not Christians think that gainful commerce can flourish through usury or other like injustices; for we have learned the contrary from the Divine Teaching itself: "Justice raises a people up, but sin makes men miserable." Prov. 14:34.

5. But this point must be diligently noted: falsely and altogether rashly would a man persuade himself that there are always to be found and are ever at hand either other legitimate titles along with the mutuum or, independently of the mutuum, other just contracts under the protection of which titles or contracts it is always licit to receive a moderate profit over and above the thing loaned as often as money, grain or anything else of that nature is loaned to another, whatever his financial position. Accordingly, if anyone holds such an opinion, not only is he in opposition to Divine Teaching and the judgment of the Catholic Church on usury, but beyond doubt he is opposed to the common judgment of mankind and to reason itself. For this fact at least cannot escape the notice of anyone, that in many cases a man is bound to help his neighbour by a simple, unconditioned plain mutuum. For Christ Himself teaches, "Turn not away from him who wishes to borrow from you." Mt. 5:42. Neither can this fact: that in many cases there can be no place for any other true and just contract except a mutuum. Therefore, whoever wishes to act conscientiously must first carefully ascertain whether there really exists another just title (to profit) along with the mutuum, whether in truth another just contract, distinct from the mutuum, exists, in virtue of which title or contract the profit that he seeks is rendered free and immune from all stain.

In these propositions the Cardinals, theologians and cannonists, most learned men, whose counsel we had sought in this most difficult matter, put down and explained their views. Nor did we neglect to make our own study of the matter, before the assemblies were held, during them, and afterwards. We carefully read the above noted opinions of these learned men. Therefore, we approve and confirm whatever is contained in the above five paragraphs. For plainly, all writers, professors of Theology and Canon Law, many passages of Holy Scripture, decrees of pontiffs, our predecessors, the authority of councils and of the fathers, approve those same decisions—they seem, we might say, to have worked them out together. Moreover, we know most certainly the authors to whom the contrary opinions must be ascribed, and those also who favour and defend these opinions, or who seem to offer a handle or occasion for defending them. Neither are we ignorant of the great wisdom and earnestness which neighboring theologians have brought to the defense of truth in

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## Mathew Carey Lawrence J. Kenny, S. J., M. A. St. Louis University

THE "Autobiography of Mathew Carey"<sup>1</sup> appeared originally in 1833-34, (vols. v, vi, vii) of the *New England Magazine*. Edgar Allan Poe wrote a lengthy criticism of the Autobiography in the *Southern Literary Messenger* (March, 1836). This highly laudatory criticism forms an Introduction to the present volume, which is one of a series of "Research Classics."

Carey's earliest appearance in print attacked the then popular practice of duelling. A few years later he challenged a certain Colonel Oswald to a duel; he was worsted, even seriously wounded. On recovery, he was brave enough to apologize to his antagonist. He carried on a vigorous verbal duel with the celebrated William Cobbett. There was no sparing of derogatory personalities on both sides. Cobbett surrendered and the two became friends. Carey was in politics a Jeffersonian, ardent in his opposition to the aristocratic Federalist, yet he was the very protagonist of the advocates of protective tariff, federalism's chief tenet. It was as such that he wrote the work that is styled the first American book of political economy.

A Catholic reader slightly acquainted with the history of his Church cannot but be astonished to find in Carey's autobiography a complete absence of any evidence that he was a Catholic. In reality the evidence is distinctly to the contrary. This should prove a warning to historians that in taking a stand on any historical matter they should not merely rely on one source, but rather have access to all available evidence, weigh it, and then make the decision. Carey's Autobiography would seem to prove beyond peradventure that he was not of the Catholic faith. However, ample testimony which is still extant renders such a view absolutely untenable. The American Catholic Historical Records printed in volumes IX, X, XI and XIII the letters of Carey which were likely to be particularly interesting to Catholics. The reader of these letters will be convinced that Carey was not merely a Catholic all his life but that he was the outstanding layman in America at the time. These letters are almost exclusively to or by Catholic clergymen and most of all to our future first Archbishop John Carroll. There are two letters of Thomas Jefferson. These probably won admission from the fact that this falsely designated atheist writes in both letters for a New Testament. John Carroll's letters are, from the first, urging Carey to publish an edition of the Douay, the best English rendering of the Catholic Bible. His urging was not in vain. This Catholic bible, printed by Carey, antedated by ten years the conglomerate, non-Catholic text, referred to in his autobiography, although no mention was there made of this remarkable Catholic achievement.

The *Catholic Records* at a later date (Volume XXIX, pp. 71-154, 1928) carry an account of the life of Carey which testifies to his Catholicity. The writer of this account is the Rev. Eugene F. J. Maier,

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<sup>1</sup> *Mathew Carey—Autobiography*, by Mathew Carey. Brooklyn. Eugene L. Schwaab. 1942. \$3.50



## On Usury

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those regions in which controversies of this sort had their origin.

Wherefore we have sent this encyclical letter to all the archbishops, bishops and ordinaries of Italy that you, Venerable Brother, and all the others may know these matters; and that, as often as you hold a synod, preach to the people or instruct them in sacred doctrine, nothing whatever contrary to the opinions we have recounted above, may be proffered. We also earnestly advise you to use all care that no one in your diocese dare to teach the contrary in word or in writing. But, if any one shall refuse to obey, we declare that he is liable and subject to the penalties that are laid down in the Sacred Canons against those who condemn and violate the commands of the Apostolic See.

For the present we make no decision about that contract which stirred up these new controversies. Neither do we now make any decision about other contracts concerning which theologians and canonists hold different opinions. Nevertheless we think that your pious zeal and spirit of religions are to be aroused to put into execution the following program.

In the first place make clear to your people in the most earnest manner that the evil and sin of usury is strongly condemned in the Holy Scriptures, that it clothes itself in various forms and species to drive back headlong into complete ruin the faithful who have been set up in liberty and grace by the Blood of Christ. Wherefore, make clear that those, who wish to use their money gainfully, are to be very careful not to be overcome by greed, which is the source of all evils, but that they are rather to seek counsel from men who in knowledge and virtue are acknowledged to be above others.

Secondly, let those who have so much confidence in their ability and wisdom that they are quite ready to solve difficulties in this matter—and to do so demands great knowledge of theology and canon law—keep far away from extreme views, which are always vicious. For there are some whose judgments on these matters are so severe that they say that every profit made out of money is illicit and joined to usury. On the other hand there are some who are so indulgent and remiss that they think that every profit of whatever kind is free from the sinfulness of usury. Let them not cling too thoroughly to their own opinions, but, before they give their solution of a proposed case, let them examine the opinions of several writers who are considered to be leading authorities. And then let them follow the course that they understand is clearly approved by both reason and the authority of the acknowledged great writers. And if a dispute arises when some contract is being examined, let them not make any insulting remarks against those who follow the contrary opinion, and let them not say that such an opinion is to be characterized with serious censures, especially if it has the support of sound arguments and the approval of outstanding men. For quarrels and injuries break the bond of Christian charity and contain a serious offense against and scandal to the people.

In the third place those who wish to preserve themselves from all taint of usury, and who wish so to transfer their money to another that they receive only legitimate profit from the business, are to be counselled that they state beforehand the contract that is to be entered into, that they explain the conditions that are to be written into the agreement, and that they name the profit that they seek from the money. This method will help very much not only to the avoidance of anxiety and scruples but also to the approval of the contract itself in the courts. This method will also shut the door against disputes which have been raised more than once—as is clear—as to whether the money which was apparently transferred to another in all justice, does not in fact contain a hidden species of usury.

In the fourth place, we exhort you not to allow any opportunity for the inept speeches of those who say that today's dispute about usury is merely a matter of words and names, since profit is pretty nearly always gained from money transferred to another, for no matter what reason. How false that position is and how far from the truth, can be readily understood if we only consider that one contract is altogether different from and separated from the other, and that, similarly, the consequences of different contracts differ greatly. Indeed, there is a very plain difference between one profit that is licitly made from money and, hence, can be kept according to both law and conscience; and another profit which is illicitly gained from money and, hence, is adjudged to be restored by both law and conscience. Therefore it is plain that it is very useful that an examination of usury be made today for this reason, that generally when money is transferred to another some profit is made.

Such are the points which we thought ought to be especially indicated to you, trusting that you will put into execution whatever we have prescribed in this letter. We also are confident that you will seek opportune remedies if it happens that any turmoils are stirred up in your diocese by this new controversy over usury, or that corrupting influences are brought to bear to destroy the clarity and purity of sound doctrine. Finally, we grant to you and to the flock committed to your care the Apostolic Benediction.—Rome, St. Mary Major, Nov. 1, 1745, the sixth year of our pontificate.

XV S.C.S.O. 13 Jan. 1780.

Porro decretum 13 Jan. 1780 est responsio C. S. Officii ad R. P. D. Vic Apost. NN: "Cum aequalitas in contractibus, ut justi sint, requiratur, nihil in mutuo, vi mutui, ut saepe definitum est, accipiendum ultra sortem principalem. Quod si mutuanti lucrum cessare vel damnum emergere aut periculum imminere amitendae sortis vel assumendi insolitos labores pro illius recuperatione contingat, horum quidem compensationem repeti posse, duabus tamen conditionibus semper ob oculos positis. Quarum prima est, ut reapse titulus novus aliquis ex istis concurrat, altera, ut nihil amplius, quam vere ille postulat, exigatur. Quam ob rem a justitiae regula deficere et restitutioni obnoxios esse omnes contractus, in quibus aut interesse fingitur, quod compensetur aut plus petitur, quod adaequata compensatio requirit.

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# Anti-Church Policy

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style of Burke, the essential contrast between the American and European liberal ideas of government.

The concept, he continues, which lies at the foundation of the whole American political organization, the principle which gives vitality to American laws and which forms the basis of American society, is that individuals possess rights which can be interfered with neither by other individuals nor by the State; that there is a circle around every man over which the laws and the State, however strong, can never step; and that in proportion as that circle is wide or narrow, the government is bad or good. An act such as this sequestration of property would, if executed by the government of the United States, shatter that government in a single day and forever destroy the people's devotion to their rulers.<sup>15</sup>

Daniel was still at Turin when the Piedmontese troops, in the interests of Unification, invaded the Papal Legations (Spring of 1859).

The American Minister is scandalized at the violation of the pontiff's legal rights. Pius IX, he points out, has not abdicated by flight; therefore, what proceeds in the Legations is mere civil war between an acknowledged and actual sovereign and several revolted provinces. There is no just cause for interference in such cases, or, if there is any, it will be necessarily on the side of the papal government. The Pope, thinks Daniel, has the whole Catholic world with him.<sup>16</sup> Victor Emmanuel himself, in speaking of Italian Unification, has always admitted the Pope's sovereignty over the Legations. The same view has been held by Napoleon and by liberal statesmen throughout the world.<sup>17</sup>

A year later Cavour's objection to the Pope's employment of mercenary troops is sharply rebutted by the American Minister. Cavour, says Daniel, presented in a memorandum "singularly original views" of public law, to justify an "interference" (i. e. the invasion of the Papal States) which "may well startle the conscience of the world, if it has any," and which has had no parallel since the dismemberment of Poland.<sup>18</sup> It is absurd to protest against the Pope's use of force when the Pope uses that force to prevent his subjects from rebelling against him.<sup>19</sup> The pontiff has all the law

<sup>15</sup> *Sardinia*, Vol. VI, Daniel, n.n., Sept. 4, 1854. In this same despatch Daniel refers to the contemporary Dred Scott incident: "While this sequestration in Piedmont has been actually going on, the Law of the United States has been roused to its utmost effort for the protection of a master in his rights over a runaway slave negro . . . It is curious to compare the two countries at that moment."

<sup>16</sup> *Italy*, Vol. VII, Daniel, No. 145, Sept. 6, 1859.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Italy*, Vol. VII, Daniel, No. 167, Sept. 18, 1860.

<sup>19</sup> " . . . Cavour denounces the enrollment of foreigners in the Pope's army as something unheard of in the usage of nations . . . But his heaviest charge against them is based on the fact that they prevent the Pope's subjects from rebelling against him; and he demands their dismissal for the expressed end that Umbria and the Marches may have an opportunity to 'manifest a national sentiment,' or, in other words, that they may overthrow the government, which he addresses, without resistance by it. The tone is singularly harsh and even insolent, though less bitter than the Proclamation of the King, written by Farini, . . . which is probably unique even among declarations of war . . ." (*Italy*, Vol. VII, Daniel, No. 167, Sept. 18, 1860.

on his side.<sup>20</sup>

## Marsh Condemns Illegality

In regard to the seizure of the city of Rome by the armed forces of Victor Emmanuel in 1870, we have some observations from George Perkins Marsh, at that time American Minister to Italy.

Marsh's views may be briefly summarized thus: It is necessary for the welfare of Italy that Rome be taken; but the government's previous commitments with France, and the particular methods employed in the seizure, are illegal—and as such, he thinks, to be condemned—and there is no indication that they accord with the wishes of the Roman people.<sup>21</sup>

By the September Convention of 1864, says the American Minister, Italy admitted the right of France, and, by implication, of every other Catholic power, to interfere in the relations between the kingdom and Rome. The ministry weakly failed to denounce the return of the French troops in 1867 as a breach of the Convention by France, and "it is not easy to see on what principle Italy can now occupy Rome, without the consent of the Pope, if not also of the government of France."<sup>22</sup>

Furthermore, there has always been a professed hope that when the incubus of the French occupation was withdrawn, there would be a spontaneous rising of the Roman people against the Pope. But Marsh declares that

in any event there are at present no indications of a disposition, on the part of the Roman people, to resort to energetic measures for the overthrow of the pontifical government.<sup>23</sup>

The Italian government, Marsh continues, is concentrating on the Roman frontier a military force far greater than would be necessary to overcome any resistance which Rome could make. This display, he judges rightly, is "designed to afford a moral support to possible popular movements in the Roman territory,"<sup>24</sup> and it is even rumored that an insurrection is in preparation,

. . . though there is no evidence that the people of the city or country are now ready to participate in it.<sup>25</sup>

Marsh in a later despatch repeats his view that the Italian government cannot invade the city of Rome without the violation of legal obligations. By the first article of the Piedmontese Constitution of 1848 the State is pledged to the exclusive maintenance of the Catholic religion; by repeated ministerial and loyal declarations it is pledged to the absolute separation of Church and State and the recognition of absolute equality of rights in the various religious sects; and by the Convention of 1864 it has admitted the right of foreign intervention between itself and the papacy, and has "pledged itself to defend the pontifical territory against any assertion of right by the Italian people."<sup>26</sup>

<sup>20</sup> "Antonelli's reply is wrathful and haughty. Having all the law on his side, he tears to pieces the Count's new doctrine on the employment of foreign legions, and lays at his adversary's door all the bloodshed of Perugia. He declares that insurrection has been gotten up in the papal states solely by the money and means of Cavour, that the people have no part in it; he refuses with indignation the demand, and defies the menace of Piedmont" (*ibid.*)

<sup>21</sup> *Italy*, Vol. XIII, Marsh, No. 299, Aug. 26, 1870.

<sup>22</sup> *Italy*, Vol. XIII, Marsh, No. 299, Aug. 26, 1870.

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Italy*, Vol. XIII, Marsh, No. 301, Sept. 9, 1870.



The final conclusion of the American Minister is, that Italy cannot take Rome without a violation of all these pledges. The government, he affirms, has no friends among the States of Europe, and, in a European Congress, could not count on a single vote upon any of the issues between the Italian State and the Pope.<sup>27</sup>

These are some of the reactions of the American representatives as they watch the Making of Italy. Obviously, in this Revolution, they do not perceive the characteristic features of the American Way. They are far from being in sympathy with the Pope or with the Catholic Church. But their respect for American principles of right, legality, and fair play, renders them anything but unqualified panegyrists of the work of Cavour and his followers.

Furthermore, Nathaniel Niles, in two of his despatches, suggests another point of difference between the American and Italian idea of civil society.

He condemns the "false impracticable systems of political philosophy which have already torn down the great pillar on which alone the social system can rest in safety, viz., that sentiment of moral responsibility growing out of a belief in God and a future state of existence."<sup>28</sup> He notes, as a "characteristic feature in the state of American society," the "appeal to and reliance upon the Divine Providence, as the Supreme Governor."<sup>29</sup> This sentiment which, he thinks, lies at the bottom of political, as well as of all moral obligations, seems to have become so entirely inefficacious on the Continent as to furnish just ground of alarm for the safety of the social system.<sup>30</sup> He observes with regret that Christianity seems to have pretty universally given way throughout Europe as a basis of government.<sup>31</sup>

Not all the American diplomats based their criticism on such high ground. But, watching the Church-State struggle in Italy, they endorsed, to a surprising degree, the Papalist position, and displayed a healthy American distrust of a liberalism which externalized itself in violations of international treaties and confiscations of private property.

## Mathew Carey

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Mathew Carey's influence on the formation of the American nation was economical rather than concerned with the political changes of government. Now that our national economics are rising to the surface from their submerged position, menacing to the nation, it may be that some research student may present a full statured portrait of America's first economist, as the Moses who has all along been leading and will continue to lead us from the desert to a better land.

<sup>27</sup> *Ibid.* In a passage written late in 1870, Marsh remarks that one now often hears men of standing in public life say that the quality of the formal stipulations of an arrangement made with the Papacy is of no importance, because in practice those stipulations will be a dead letter and the government will be administered in entire independence of the Papacy, however strongly the government may bind itself to respect the stipulations. This view of the subject, says the American Minister (with considerable under-emphasis!) indicates a low political morality (*Italy*, Vol. XIII, Marsh, n.n., Oct. 27, 1870).

<sup>28</sup> *Sardinia*, Vol. V, Niles, No. 42, Feb. 24, 1850.

<sup>29</sup> *Sardinia*, Vol. V, Niles, No. 40, Jan. 27, 1850.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

## On Usury

(Continued from page sixty-two)

"Imprudenter igitur atque illicite agere manifestoque se injustitiae discrimini se committere patet, qui ex eo, quod periculum, quod inuimus, plerumque in tali loco occurrat, lucrum semper atque idem semper lucrum requirunt; quasi periculum semper intercedat et, cum adfuerit, eandem semper remunerationem petant. Neque excursari quod minorem, quam quae regni lege permittitur, usuram percipiunt; cum non ideo rectum sit aliquid, quod a justitia minus deflectit, nisi ad recti formam prorsus componatur neque humana sed divina lege ac lege naturali, quae aequitatis tenax est, hominum actiones pensandae sunt. Eos tantum recte se gerere, qui ad individuos casus respicientes, tunc solum compensationem exposcunt, cum periculum revera intervenit et non aliam tunc compensationem quaerunt, quam quae periculi gravitati, quae probrorum idcirco prudentiumque judicio aestimanda est, respondet.—B.P. p. 614.

"Since equality in contracts, in order that they may be just, requires that nothing beyond the principal sum may be accepted in a mutuum by reason of the mutuum, as has been frequently defined; if it happens that the lender suffers cessation of gain, or consequent loss, or the imminent risk of losing the principal or unusual trouble in recovering his money, he can indeed seek recompense for these, but only under two conditions that must be ever before his eyes. The first condition is that there is actually present one of the new titles of those mentioned above; the second, that no more is demanded than that title really calls for. Wherefore, all contracts in which there is a fictitious interest that is compensated, or in which more is sought than adequate compensation requires, deflect from the rule of justice and are subject to restitution.

"It is clear, therefore, that they act imprudently and illicitly, and commit themselves to the manifest charge of injustice, who, by reason of the fact that a risk, as they insinuate, occurs for the most part in their country, always demand profit and always the same profit; as though the risk was always present and, when it was there, always demanded the same remuneration. They are not excused because they take a smaller usury than is permitted by the civil law; for an action is not just precisely because it deflects less from what is just, but only if it is altogether in agreement with what is right; nor are the actions of men to be weighed according to human law, but according to divine and natural law which is tenacious of right. Those, however, conduct themselves correctly who, looking to the individual case, only demand compensation when a risk is truly present, and thereupon seek no other compensation than what corresponds to the gravity of the risk which is to be estimated according to the judgment of upright and prudent men.

*S.C.S.O. 9 maii 1821, Kentucky.*

1. Estne usura omni juri, etiam naturae, contraria?
2. Quomodo se geret confessarius qui . . . usuras (quasdam) putans prohibitas, mandatum acciperet ab Episcopo nullam in publico mentionem faciendi ejus materiae?



R. ad 1. Affirmative.

ad 2. Quoad doctrinam Ecclesiae quod ex mutuo vi mutui non potest percipi usura aliqua illam praeteriri non posse. Quoad decisionem casuum particularium in quibus vel ex alio titulo diverso a mutuo, vel vi contractus alterius indolis proventus legitime percipi asseritur, parere Episcopo posse et debere.—Collect. S.C.P.F., 1893. p. 844.

Is usury contrary to all law, even the natural law?

How is a confessor to conduct himself who . . . thinking that certain usuries are forbidden, receives an order from his bishop not to make any mention of this matter in public?

Answers: 1. Yes.

2. As regards the doctrine of the church that from a mutuum loan by virtue of the mutuum no profit may be received, he cannot pass over that point in silence. As to the solution of particular cases in which it is asserted that either from a title different from the mutuum-loan or by virtue of a contract other than the mutuum-loan profit is legitimately received, he can and ought to obey his bishop.

XVII S.C.S.O. 3 jul 1822.

Ad preces cujusdam innominatae mulieris lugdenensis, Em. Cardinali Galeffi transmissas, quibus, descripto generali rerum statu, post notos publicos eventus et leges a civili auctoritate latas, in Galliis obtinente, exponebat, se sua capitalia quibusdam tradidisse, ut fructus ex illis juxta taxam a lege civili praescriptam, perciperet, suum autem directorem ipsi absolutionem denegare, nisi proventus inde receptos restitueret aut obligationes erga eos, qui solverent, emitteret: querebat ergo:

1. An ad restitutionem perceptorum fructuum esset obligata?

2. An dumtaxat postquam ejus bona fides desierat?

3. Quando cessatio bonae fidei locum haberet?

4. An sufficeret de ea audivisse, etiamsi loquentis opinio non fuisset adoptata?

Eminentissimi decreverunt:

Oratrici pro nunc dicatur, quod responsa ad propositos casus ipsi opportuno tempore dabuntur. Interim vero, licet non peracta ulla illarum restitutionum, de quarum obligatione s. Sedem consuluit, a proprio confessore absolvi sacramentaliter posse, dummodo vere parata sit stare mandatis.—B.P. p. 609.

The questions of a certain unnamed woman of Lyons were transmitted to his Eminence Cardinal Galeffi. In the letter, after a general description of the conditions prevailing in France consequent upon known public events and laws enacted by the civil authority, she explained that she had turned her capital over to certain persons to receive profit from them according to the rate prescribed by law, but that her spiritual director denied her absolution unless she would restore the proceeds so received or give promissory notes to those who had paid. Hence, she asked:

1. Was she obliged to the restitution of the received profits?

2. Was she so obliged only as to that received after she had ceased to be in good faith?

3. When does one cease to be in good faith?

4. Does it suffice for the loss of good faith to have heard about the opinion of the speaker although that opinion has not been accepted?

The Congregation decreed:

Let the petitioner be told for the present, that answers to the proposed questions will be given to her at an opportune time. In the meanwhile, without the performance of any of those restitutions about the obligations of which she has consulted the Holy See, she can be absolved sacramentally by her proper confessor, provided that she is truly ready to obey the decisions of the Holy See that may be given later.

XVIII Pius VIII (1829-30) S.C.S.O. 18 aug 1830.

Episcopus Rhedonensis in Gallia exponit . . . non eandem esse confessariorum suae diocesis sententiam de lucro percepto ex pecunia negotiatoribus mutuo data, ut ea ditescant.

De sensu epistolae encyclicae "Vix pervenit" acriter disputatur. Ex utraque parte momenta afferuntur ad tuendam eam, quam quisque amplexus est, sententiam, tali lucro faventem vel contrariam. Inde querelae, dissensiones, denegatio sacramentorum plerisque negotiatoribus isti ditescendi modo inhaerentibus, et innumera damna animarum.

Ut animarum damna occurrant, nonnulli confessarii mediam inter utramque sententiam viam se posse tenere arbitrantur. Si quis ipsos consulat de istiusmodi lucro illum ab eo detertere conantur. Si poenitens perseveret in consilio pecuniam mutuo dandi negotiatoribus, et objiciat, sententiam tali mutuo faventem multos habere patronos et insuper non fuisse damnatam a Sancta Sede non semel ea de re consulta: tunc isti confessarii exigunt, ut poenitens promittat se filiali obedientia obtemperaturum judicio Summi Pontificis, si intercedat, quaecumque sit; nec hac promissione obtenta, absolutionem denegant, quamvis probabilior credant opinionem contrariam tali mutuo. Si poenitens non confiteatur de lucro ex pecunia sic mutuo data, et videatur in bona fide: isti confessarii, etiamsi aliunde noverint ab eo perceptum esse aut etiam nunc percipi istiusmodi lucrum, eum absolvunt, nulla ea de re interrogatione facta, quando timent, ne poenitens admonitus restituere aut a tali lucro abstinere recuset.

Inquiri ergo dictus episcopus Rhedonensis:

1. Utrum possit horum posteriorum confessariorum agendi rationem probare.

2. Utrum alios confessarios rigidiores ipsum adeuntes consulendi causa possit hortari, ut istorum agendi rationem sequantur, donec Sancta Sedes expressum ea de quaestione judicium ferat.

SS. D. N. Pius VIII in solita audientia R. D. Asessori s. Officii impertita 18 aug 1830, audita relatione superiorum dubiorum una cum voto Emm. Cardinalium Inquisitorum generalium, respondit:

Ad 1um, non esse inquietandos.

Ad 2um, provisum in primo.—B.P. p. 610; D.B.U. p. 426.

S.C.S.O. 18 Aug. 1830.

The Bishop of Rennes in France explains that there is not unanimity among the confessors in his diocese as regards profit from money loaned to business men in mutuum, who intend to use the money productively.



There is a sharp controversy as to the meaning of the Encyclical letter "Vix Pervenit." Sound considerations are proposed by each in defense of the opinion each one holds, either admitting the liceity of such profit or condemning it. Out of this situation there arise complaints, quarrels, denial of the Sacraments to many business men who use that method of making money, and countless harms to souls.

To meet these evils, some confessors think that they can follow a middle course between the two opinions. They strive to turn away from that path anyone who consults them about making money in this manner. If the penitent persists in his plan to lend money to business men, claiming that the opinion which admits the liceity of such a loan is defended by many, and, moreover, has never been condemned by the Holy See which has often been asked about the matter, these confessors demand that the penitent promise that he will obey the judgment of the Supreme Pontiff, whatever it may be, if one is given. If this promise is obtained, they do not deny the penitent absolution, although they personally believe that the opinion which condemns those loans at mutuum is the more probable. If a penitent does not confess having taken profit from money loaned in mutuum and seems to be in good faith, these confessors, even though they know from other sources that the penitent has in the past made, or is at present receiving profit of that kind, absolve him without asking any questions about that matter, when they fear that if the penitent be admonished, he will refuse to make restitution or to give up the practice.

So the Bishop asks:

1. Whether he can approve the mode of action followed by these confessors?

2. Whether he can exhort other stricter confessors, who ask his counsel, to follow that method until the Holy See has given an explicit judgment in the matter?

Our Most Holy Lord Pius VIII in the customary audience to the Secretary of the Holy Office, Aug. 18, 1830, after he had heard the statement of the above proposed questions and the answers of their Eminences, replied:

To the first question: They are not to be disturbed.

To the second question: It was taken care of in the answer to the first question.

XIX S. Paen. 16 sept 1830.

25 maii 1830 quidam Lugdenensis Professor nomine Denavit, Poenitentiarum consuluit, qui censebat in Encyclica "Vix pervenit" clare contineri condemnationem doctrinae, quae permittit perceptionem auctarii in mutuo et idcirco "negebat absolutionem iis presbyteris, qui contendebant legem principis esse titulum sufficientem percepiendi aliquid ultra sortem, absque titulo vel lucri cessantis vel damni emergentis; quia inquebant "lex principis transfert dominium auctarii, sicut transfert dominium in praescriptione." Quaerebat ergo

1. utrum possit in conscientia denegare absolutionem presbyteris praefatis;

2. utrum debeat?

Sacra Poenitentia, diligenter ac mature perpensis dubiis propositis, respondendum censuit 16 sept 1830:

"Presbyteris, de quibus agitur, non esse inquietandos, quousque s. Sedes definitivam decisionem emiseric, cui parati sint se subicere adeoque nihil obstare eorum absolutionem in Sacramentum Poenitentiae.—B.P. p. 609.

On May 25, 1930, Professor Denavit of Lyons consulted the Sacred Penitentiary; he held that in the encyclical 'Vix Pervenit' was clearly contained a condemnation of the doctrine which permitted acceptance of profit on a loan of mutuum, and therefore he "denied absolution to those priests who maintained that civil law was a sufficient title for the acceptance of something beyond what was loaned, without any title based on cessation of profit or consequent loss." For, they said, civil law transfers the ownership of the profit just as it transfers ownership in prescription. He asked therefore: 1. Whether he could in conscience deny absolution to the aforesaid priests; and 2. whether he ought to deny absolution.

The Sacred Penitentiary, after a diligent and thorough consideration of the proposed doubts, judged that the answer ought to be: the priests, of whom there is question, ought not be disturbed until the Holy See shall have handed down a definitive decision which they will be ready to obey; hence nothing prevents their absolution in the Sacrament of penance.

(To be concluded)

## Gilbert Garraghan

(Continued from page fifty-four)

—responsible for its unique productive activity. The recovery of the St. Louis Archdiocesan Archives by the first two mentioned opened a mine of major importance for the study of the history of the Church in the Mississippi Valley. This collection, together with the Jesuit records of St. Louis University and the materials for the history of the Vincentians assembled by Dr. Souvay at Kenrick Seminary, offered a rare opportunity for the inauguration of an historical enterprise of first moment. And it must ever remain to the credit of this little group of scholars that their program was brought to so worthy a conclusion. The *St. Louis Catholic Historical Review*, founded by them in 1918, at once made a place for itself among the noteworthy publications of its kind, distinguished especially for the unusually large amount of source material first published in its pages. Holweck, Rothensteiner, Souvay, Garraghan,—all are now gone to their reward, but the fruits of their labors remain, and must earn for them more than passing mention in the history of American Catholic historical enterprise.

Likewise notable in Doctor Garraghan's record of service to American history was his editorship, from 1929 to 1934, of *Mid-America*, then the organ of the Illinois Catholic Historical Society.

### Monumental Work

Yet despite all these activities, Father Garraghan forged ahead with the gathering of materials for his monumental *Jesuits in the Middle United States*.<sup>5</sup> It can unhesitatingly be said of this work that it has already taken its position among the significant items of American Catholic historiography. The *Jesuits in the Middle United States* may for practical purposes be considered a continuation of the published *Jesuit Relations* of the seventeenth and eighteenth centuries. Perhaps the most outstanding feature of this work is its almost total reliance upon original sources. To this end archives in America and in Europe were subjected

<sup>5</sup> 3 vols., New York, The America Press, 1938.



to careful and assiduous search, and a notable portion of the material gathered has been deftly interwoven with the narrative.

The completed manuscript of a volume on historical method remained unpublished at his death. It is sincerely to be hoped that means will now be found to see it through the press.

Little has been said here of the less tangible and less easily evaluated contributions of Father Garraghan to historical scholarship through his teaching, his direction of research, and the example of his ardent devotion to the highest ideals of workmanship. Yet to neglect these factors would be to pass over a most vital and far-reaching aspect of his legacy to American historiography.

#### *As a Teacher*

By the more rigid canons of pedagogy Gilbert Garraghan would not, in his later years at least, be considered the most efficient of teachers. If restricted to less advanced students this judgment will probably pass unchallenged. But, at the same time, it is not meant to imply that his classroom methods were ever wanting in preparation or earnestness. At most it can signify nothing more than that, like many other able scholars,

Father Garraghan had gone beyond the stage where formal drill appears germane to all education. Yet he never descended even remotely to the dehumanized erudition of the pedant. His lectures were always well prepared and well delivered. For the earnest graduate student they were inspiring and weighty with suggestions for further study and research.

In the direction of research his broad and well-ordered erudition was placed unstintingly at the service of those who sought his assistance. Few of his contemporaries possessed a keener judgment on the provenance and value of documents or a wider acquaintance with the bibliography of western American history. Among the superiors and members of his Order his counsels made for a commendable policy of historical scholarship. The writer's own experience can testify to the esteem in which he was regarded by non-Catholic members of the historical profession and to the salutary influence which he exerted among them towards aspects of Catholic history.

But beyond all this, the most abiding lesson which Father Garraghan taught his fellow workers was that of a kindly, serene, whole-hearted devotion to the truth of history.

## — Recent Books in Review —

### ANCIENT HISTORY

*Thucydides*, by John H. Finley, Jr. Cambridge. Harvard University Press. 1942. pp. 344. \$3.50

The aim of this fine study is to present the facts and the considerations which may serve as the foundation for a critical appreciation of Thucydides' *History* in its relations to the thought of the times, its content, structural principles, and permanent significance. The author has notably achieved his purpose, and has expressed his thought in a pleasant and mature literary style.

An account of the little that is known of Thucydides' life and personality opens the study, and leads into a valuable analysis of the political cross-currents which affected his outlook in his formative years. For the fact that he abandoned the aristocratic conservatism of his family tradition for that moderate democratic imperialism personified in Pericles, and clung to this ideal when after Pericles' death the democratic system was carried to disastrous extremes, is an important key to Thucydides' point of view in composing his *History* in the precise way he did. Dr. Finley then traces the intellectual background to Thucydides' mind, showing his relation to contemporary thought in that great age of exploration throughout the realms of the mind. Thus it is shown that not only was Thucydides himself deeply influenced by the new methods of speculation introduced by the Sophists, by the medical writers' scientific techniques of factual research as the basis of prognostic induction, and by the interest of the age in generic and universal principles underlying concrete particulars, but that he faithfully reflects in his book the special outlook and intellectual issues of the time described.

There follows an acute exposition of the main themes, unifying threads, and artistic structure of the *History* which make it "not merely the history of twenty years of war but a treatise on the nature of freedom and authority, of material progress and social decay." The analysis is not directed to details of the text by way of consecutive commentary, but is a general interpretation of the wider issues embedded by Thucydides in his very narrative of events. The author shows that Thucydides believed he saw in the Peloponnesian War an instructive object lesson in the general pattern of social, political, economic, and personal forces which rule the destinies of states; and that the statesman can learn better to direct and control these to his nation's welfare if he studies their laws, based on man's unchanging nature, as revealed and interpreted in Thucydides' narrative. For the *History* is a splendidly organized exposition of recurrent factors of statecraft. Through its minutely accurate factual details can be discerned, by the aid of Thucydides' artistry, the story of a

state rising to greatness by the liberated energies of a people enjoying the freedom, the challenge, and the inspiration of progressive democracy; its inevitable conflict with the interests and sway of a conservative and militaristic oligarchy; its initial advantage in this conflict by reason of its superior relation to human value; and the tragic loss of all this when, in the absence of a great leader to unify its forces, it collapses from within under the dissipation of its energies by factional rivalry and petty politics—the abuse to which democracy, once it becomes an arena of selfish ambition, is eternally exposed. How the crisis of war reveals the weakness of popular sovereignty in the face of totalitarian regimentation for brute power, unless the democratic forces are wisely and unselfishly directed to unified effort, is Thucydides' great lesson still.

Two concluding chapters analyze Thucydides' literary style (shown to reflect the antithetical prose technique of Periclean Athens) and the major features of his thought, his rigorous historical method, and profound grasp of the causes and permanent significance of events.

The student or the teacher desiring to appreciate the greatness of Thucydides in historiography and instructiveness on world issues will find this book most helpful.

RAYMOND V. SCHODER

*An Economic History of Athens Under Roman Domination*, by John Day. New York. Columbia University Press. 1942. pp. x + 300. \$3.50

Professor Day in writing this work was confronted with all the obstacles of blazing a trail. In choosing Athenian economics, he was going to deal with a subject which had hitherto been comparatively unexplored. And he was going to follow its course through ten centuries of Athenian history—a span far too broad for adequate treatment. He was seriously handicapped furthermore by the inadequacy of the secondary sources at his command as well as the scarcity of reliable primary sources. And yet Professor Day has produced a work destined to become a companion piece to M. I. Rostovtzeff's classic, *Social and Economic History of the Roman Empire*. Neither, though, are strictly economic treatises of the technical sort, written by trained economists for economists. They are rather treatises written by classicists for classicists to provide a richer background for the understanding of things Greek. It is precisely here in its role of affording background and of illuminating parts of Athenian history which have previously been shrouded in darkness that the chief merit of this work lies.

Athens' devotion to the cultural virtues seems to have deprived her of practical virtues. She was an easy prey of any business organizer. That was the price she paid for being the intellect of the world. Despite her simplicity and gullibility Athens was continually striving to maintain the balance of



trade between her meager exports of statues, sarcophagi, honey and oil and her vast imports, but usually in vain.

Not only does this work present a sharply-etched portrait of the vicissitudes of Athenian economics; it also offers a striking parallel to modern economic situations. By presenting an Athens that was infected with many of the same diseases as modern economics, the work offers frequent lessons from which modern economists could profit. Problems of inadequacy of food supply, of low prices paid to farmers, of decreased population following in the wake of luxury, or poor labor conditions, and of maldistribution of wealth confronted Athenian statesmen as they confront salesmen today. Some modern mistakes might have been averted, had the lessons which Athens' mistakes teach been heeded.

The book treats of the story of Athens from the time of Pericles to the end of the fifth century after Christ. That vast scope is encompassed within seven chapters of uneven quality, the best of which are those dealing with the annexation of Delos and of the administrations of Sulla, Augustus and the succeeding emperors. The one introductory chapter however and the two concluding chapters are mediocre, as they are protracted beyond the length that the limited source material warrants.

The most noticeable, and even irritating fault of this volume is the complete lack of perspective throughout the work. Far too much attention is given to the minutiae of details for their own sake to the detriment of attention to the causal or effective relations between these details. This preoccupation with the microscopic is also manifested in the lack of well-defined economic trends and movements in Athenian economics. Perspective, of course, can be supplied by the mental activity of the reader, if he can muster the patience. But there would have been no need of that if Professor Day had sought the assistance of "professional" economists or consulted Bullock's work on the finances of this period, a procedure which would have injected more technical theory into the work.

ROBERT F. McENIRY

## CHURCH HISTORY

*The Reed and the Rock*, by Theodore Maynard. New York. Longmans, Green and Co. 1942. pp. xi + 273. \$2.75

The giant task of forming the Church in young America of the early eighteen hundreds demanded big men, and big men were granted. Carroll and England in the tidewater and Dubourg and Rosatti on the frontier are names familiar to the most casual student of Catholic America, but there is another member of the early American hierarchy, not so well known, who deserves his meed of praise. The memory of Simon Bruté was hidden deep in the records until Mr. Maynard shook off the dust and presented us with a vivid, colorful picture of this very human apostle of the Wabash country.

Simon Bruté was not the type of man one would expect to find in the log cabin circumstances of the Indiana borderlands. A scholar, and at that none too practical a scholar, Bruté seemed far more fitted for the humdrum routine of a seminary professor's life at old St. Mary's where he could devote himself to his books and his garden, than for the hard-riding, hand to mouth existence of a frontier bishop. Yet when the call came in 1834, Simon Bruté proved that underneath his eccentricity were stored deep reserves of sound judgment, and that behind the scholar was the administrator. Although he lived only five years as a bishop, Bruté did much to confirm and extend the Faith in his vast diocese of Vincennes.

Mr. Maynard is at his best in giving us this realistic yet sympathetic portrayal of a rather complicated character. Bruté's little weaknesses and eccentric habits are not minimized, but through them shines the essential goodness of a man close to God. *The Reed and the Rock* will be of interest to historians, to religious, to students of human nature, indeed to all who love a good story well-told.

JOSEPH S. BRUSHER

*Ten Decades of Alms*, by Theodore Roemer, O.F.M. Cap. St. Louis. B. Herder Book Co. 1942. pp. viii + 322. \$2.75.

When the Church is looking to America today for help in supporting the Missions, it is extremely gratifying to find a volume just off the press, reminding American Catholics of their own benefits from Europe, in the establishment of the Church in this country.

*Ten Decades of Alms* is the report of the donations received by the American hierarchy and their dependencies between 1822 and 1922. It passes in review the work of the three Societies responsible for great help and generosity from Europe, The Society of the Propagation of the Faith, The Leopoldinen-Stiftung and the Ludwig-Missionsverein. The early part of the volume gives some general notes about the foundation of the three societies; then comes an account of the work that was carried on during the ten decades under consideration; and finally a summing up and comparison.

This book is the result of much study, as is apparent from the careful annotation and precision, but we might wish that it were less so, adding instead a little more of the readable element for the general reader. For the student of Church History or for one interested in the development of the Church with reference to this particular aspect, the work is highly recommended. The general reader would not receive too much inspiration nor would his interest be sustained; but he would be reminded in a very few pages of his obligation to think of the missions today—a very satisfying purpose alone.

*Ten Decades of Alms* will be a welcome addition to the too few volumes on early American Catholic history, particularly with reference to our debt to others.

J. J. CAMPBELL

*Cardinal Consalvi and Anglo-Papal Relations 1814-1824*, by John Tracy Ellis. Washington. Catholic University of America Press. 1942. pp. x + 202. \$2.50

Romantic old Vienna had witnessed many a glittering assembly but none of its colorful history surpassed in importance or interest the congress of diplomats who sat on the body of Napoleon's empire and redistributed the conquests of that great law giver and commander. The forces of reaction were there in strength, be-ribboned, be-medaled—Castlereagh, who had done his share to destroy his native land, Metternich, eager for Austria and despotism, that suave, sinuous Talleyrand. Not the least able among these leaders of Europe, was the red gowned ecclesiastical diplomat Ercole Cardinal Consalvi, who had come to the Congress stiff with determination to regain for his master Pope Pius VII every inch of his former territories. And he succeeded! The Concert of Europe re-established the Papal Monarchy in nearly all its completeness. Though he protested in principle, Consalvi could well reconcile himself to the loss of the French enclaves of Avignon and the Central Venaissin to the Bourbon and the loss of a part of Ferrara to the Hapsburgs.

Consalvi had found a strange ally at Vienna in England, England the persecutor. He had conceived a liking for the English which most British statesmen reciprocated. Even the Regent was gracious! The influence of Cardinal Consalvi on Anglo-Papal relations between 1814 and 1824 is well brought out in the scholarly monograph of Fr. Ellis. England had helped him at Vienna and Consalvi set himself to obtain a little toleration for his oppressed English brethren. England at this time seemed to enjoy a moment of almost lucidity in the age-long frenzy of bigotry which possessed her. The generous aid extended to emigré priests plus the admiration shown toward these good men, plus the humbling influence of the great Napoleon had done something to dispel the mists of gloomy fanaticism which obscured the vision of the British oligarchy. Consalvi tried to capitalize on this, but the moment passed and the great diplomat failed to secure any alleviation for his downtrodden co-religionists. When Catholic Emancipation was to come it would not be granted willingly to discreet murmurs of Italian diplomats, but wrung from unwilling bigots by the elemental thunder of an Irish orator.

The vexed problem of the veto with its repercussions in England, Ireland and Rome gave Consalvi some little trouble. Incidentally, Fr. Ellis does not seem to have too much sympathy for the doughty Milner who stood shoulder to shoulder with the Irish bishops against the menace of Caesarepism.

Readers of this book will find it an appetizer for the full-length biography of Consalvi which Fr. Ellis promises us, when the peace-time conditions makes research in the necessary London and Roman Archives possible.

JOSEPH S. BRUSHER

## AMERICAN HISTORY

*Charles Carroll of Carrollton*, by Ellen Hart Smith. Cambridge. Harvard University Press. 1942. pp. x + 340. \$3.75

Ellen Hart Smith has made a lasting contribution to the ever growing list of American biographies. She has achieved



her desire of having a well-written life coincide with a well-spent one.

Charles Carroll of Carrollton is an interesting, well-written life of an outstanding patriot. The author has made exceptionally good use of the abundant source material at her disposal. Every side of the character of the "First Citizen" of Maryland is presented clearly to the reader in a manner that makes it possible to understand this gentleman of Annapolis. The book seems to have the charm of doing for others what the author confesses the preparation of the work did for her. "I was fully prepared to be bored with the plaster saint I'd heard Charles Carroll was. I wasn't bored. I found out for myself that the Carroll charm . . . was still as strong as ever."

When the biographer tells us that she does not share the religious convictions of Charles Carroll of Carrollton and frankly states she "is not prepared to say how good or how bad a Catholic he was, being no judge" the reader feels relieved to know that on this vital point the facts are allowed to speak for themselves. And speak they do.

"He knew how to grow old gracefully" is a touching summary of the last years of Charles Carroll of Carrollton, "First Citizen," one of the wealthiest men in early America, the only Catholic and last surviving signer of the Declaration of Independence.

May the success of this book inspire the author who wrote it "in a pleasant missionary glow" to continue her work on the other biographies mentioned in the Preface of this interesting and scholarly endeavor.

E. J. KURTH

*The Latin American Republics, A History*, by Dana Gardner Munro. New York. D. Appleton-Century Company. 1942. pp. 650. \$4.00

In the flood of works concerning Latin America which has poured forth from Anglo-American presses these late years, along with a great amount of writing which because of its lack of understanding could easily enough have been left undone, there has come a certain number of real sound contributions to further our increasing interest in and appreciation of our neighbors to the south. The present volume deserves a place in the latter category. It is a contribution—not perfect, perhaps, but for all of that still very much worth while.

Mr. Munro is no opportunist newcomer to this field of Latin American studies. He has long been known for his thorough work on the Central American republics, published many years before the Good Neighbor Policy attracted the attention of so many willing, but woefully unequipped, writers southward. The present work is the fruit of long and considered study of the twenty nations whose history he briefly traces. Following a few short chapters devoted to the colonial background and the struggle for independence, the author then takes the republics one by one, concluding with a consideration of Latin American relations with the United States and a final chapter on the Pan-American attitude toward the present conflict of arms. The treatment of the several republics is mainly along political lines, though not exclusively so. Generally at least a small section of each study is given to problems of a social and economic nature; and the broader cultural aspects of the nation's life are not forgotten. The bibliographies, well combed rather than profuse, are very helpfully annotated. The work has many features which should make it an excellent text for a course on the National Period.

JOHN F. BANNON

*Francis Parkman*, by Mason Wade. New York. The Viking Press. 1942. pp. xiii + 466. \$4.50

Nearly half a century has passed since Parkman's death, and yet his works are more widely read than those of any other American historian of his period. Mason Wade gives us the first full account of the historian's life and works. Charles H. Farnum (1890) and Henry D. Sedgwick (1894), the first biographers of Parkman, were handicapped by inadequate material. Wade, on the other hand, has uncovered letters and diaries unknown fifty years ago.

The account of Parkman's life is delightfully, and almost exclusively, portrayed through these diaries and letters. Parkman's own account, together with the biographer's commentary, of the travels to Northern New York, New Hampshire, Europe, Canada, and the West, as far as Fort Laramie, reveals the man, and at the same time vividly pictures those parts of the world at that time.

An interesting aspect of the biography is that a New Englander and a Catholic writes about a New England Protestant

historian who depicted the struggle between Protestant Britain and Catholic France in America. Mason Wade seems very fair in evaluating Parkman's anti-Catholic and anti-Jesuit prejudice. Though a descendant of John Cotton and Cotton Mather, Parkman apparently was not a strong Puritan. Furthermore, the author points out that he was not strictly anti-Catholic, but rather anti-clerical. At times he even manifested a favorable attitude towards Catholicism, but he was not, however, moved by the example nor by the philosophical and theological letters received from his cousin and intimate friend, Coolidge Shaw, who was converted to Catholicism and later joined the Jesuit order.

The chapter "A Puritan in Rome" is especially interesting and amusing. Likewise, the "Bostonian Brahmin's" (Parkman) reactions to the "gamblers and ragamuffins" that he met during his trip on the Oregon Trail afford enjoyable reading. "The English reserve or *offishness* seems to be no part of the western character."

Though Parkman excelled in a romantic, rhetorical style, making facts live, he lacked two qualities essential to the make-up of an historian. First of all he was not impartial. He never fully outgrew the Brahmin attitude, nor became completely free from seeing the world outside of Boston through a local haze. He despised democracy, resented Catholicism, belittled the civilization of France, failed to foresee the great future of our West. Secondly, he too often failed to give a majestic perspective of a whole period. Nevertheless, we must acknowledge and have respect for his findings, if not for his interpretations.

We strongly recommend this biography from the standpoint of pure interest as well as historical value. It is a delightfully written life story of a man who fought off physical and mental ill-health to become one of America's most influential historians.

J. J. SCHLAFLY

*John Bidwell, Prince of California Pioneers*, by Rockwell D. Hunt. Caldwell, Idaho. The Caxton Printers, Ltd. 1942. pp. 463. \$3.50

The fascinating story of the metamorphosis of California from a Mexican province to a mature and sober member of the United States finds a reflection of its major phases and many minor details in the life-story of John Bidwell. The picturesque Arcadian days of the mission-tamed Indian and the chivalrous and hospitable Spanish-Californian, followed by the years which saw revolt against Mexico and annexation by the United States; the turbulent days following the discovery of gold; the critical decade of infant statehood preceding the Civil War; and the long years of gradual political, social, and economic development—all these were lived through by Bidwell, and in all he played a conspicuous part. This "prince of California pioneers" was a chief organizer of the first emigrant wagon train for California, which left Missouri in 1841, and arrived after six months of perilous, adventurous travel. He worked for Sutter; was made an officer in the American War against Mexico; was the first to discover gold on Feather River, whence he realized profit as a miner; obtained 22,000 acres of land on the Chico Creek, which he developed into the finest ranch of the state; was frequently a member of state and national conventions, thrice candidate for governor, once a representative in Congress, and in 1892, Prohibition candidate for Presidency. More remarkable than the range of his capabilities was the firmness with which he held to his principles of justice and morality, as seen in the temperance question, the Chinese labor trouble, in regard to political campaign methods, and in his devoted fidelity to the Union cause during the Civil War, in the face of considerable opposition. As a man, his character seems to have been one that would excite respect and cordial admiration, rather than inspire enthusiasm.

The same might be said analogously of the present work. Professor Hunt, who was a personal acquaintance of Bidwell toward the end of the latter's life, presents an account which, though neither dramatic nor exciting, is yet highly readable and interesting. If the author is to be blamed for excessive, though not undeserved, eulogy of the man, it is an understandable excess.

The book should prove of value to the student of California history and to the general reader as well: the former will find new light shed on various notable events and characters; and the latter will have pleasant introduction, suggestive rather than detailed, to the history of California since 1841.

THOMAS W. LEAHY



**The Chicago**, by Harry Hansen. New York. Farrar & Rinehart. 1942. pp. xi + 362. \$2.50

Another addition to the *Rivers of America* series, *The Chicago* is worthy of its predecessors. Mr. Hansen, with the capable aid of Harry Timmins and his pencil, makes the Chicago live for the reader in a fast flowing legend of history and lore. Small though the river may be, the book has shown that its history is a part of the tradition of the Middle-west. Those interested in the story of this area, and especially Chicago in the last two Centuries, will find much information and a good deal of joy in reading *The Chicago*.

In the First Part, on the *Baffling River*, the author tends to create a baffling situation for the reader, with a variety of views, and leaping glances at past and present history. With the beginning of the second part the story become more settled, though the historic jumps continue throughout the remaining sections. In a way this adds to the liveliness of the river story and the spirit of the age.

The author follows the chronological order for more than half the book, including the important political, transportation and social events on the river's banks. Then the North Branch is investigated in a friendly trek from North to South. The South Branch comes in with its canals and picnic grounds.

Had the writer more space he could not have written a better view of the little river that made Chicago what it is. His stories are all well told, and vie with the friendly excursions on the river for the greater interest elicited. Perhaps the reader may find the style a bit uneven at first; later it becomes a part of the book. Again, there may be some readers who will miss many of their long cherished pictures of Chicago, as for instance the Church spires, the baseball park or the famous South side.

R. NEENAN

**The Mad Forties**, by Grace Adams and Edward Hutter. New York. Harper and Brothers. 1942. pp. viii + 294. \$2.50

If *The Mad Forties* is intended as light reading for entertainment, then the following remarks may not apply,—in fact the book should be reviewed elsewhere than in this publication. However, if the book is intended to give a clear picture of the intellectual life characteristic of that decade, then this reviewer feels justified in his criticism.

One lays down the book with that keen sense of chagrin which comes from having wasted several hours. The reader comes away with as much profit as he might have had in listening to backstairs gossip for an afternoon. Backstairs gossip may in some cases be profitable to the historian, but the type presented by Miss Adams and Mr. Hutter is obviously not designed to increase the historians outlook by worthwhile knowledge.

It is true that one cannot write of the 1840's without discussing the bizarre movements of the period, yet the authors have devoted their work mainly to those "isms," or to those aspects of them, that will appeal to a reader eager for scandal and slightly improper tidbits. Centering the intellectual life of the '40's around a woman of careless morals does not give a balanced picture of the period. This may be a history of Mary Gove (who deserves no great attention) but it is certainly not a history of the 1840's. One cannot help noting the difference between this book and Allen's excellent discussion of an equally bizarre period in his *Only Yesterday*. One is profitable for the historian; the other is not.

R. J. IMBS

**Mr. Rutledge of South Carolina**, by Richard Barry. New York. Duell, Sloan and Pearce. 1942. pp. ix + 430. \$3.75

This is one of those books whose four hundred pages seem all too few once you have started reading it. The title has an aristocratic ring, but there is nothing stilted or artificial about the style or outlook. Mr. Barry knows how to handle English, and he has made the most of the dramatic opportunities offered by his subject. It is a book that pleases while it informs, albeit not all the conclusions arrived at are acceptable to historians.

John Rutledge undoubtedly deserves a high place of honor among the Founding Fathers of our nation. His claim to fame is secure enough; the work he did in connection with the framing of the Constitution was noteworthy and meritorious. But he was not, as the author tries to establish, the "brains" of the Constitutional Convention. Madison, Jefferson, Hamilton,

Washington and the others listened to John Rutledge, but they were also men who did their own thinking and had their own ideas. They were not the type to be slaves to another man's thought. Rutledge did much, but he was one "mind" among several.

The latter half of the book must be read with fingers crossed as regards historical accuracy. While highly interesting, the interpretations are also highly questionable. Mr. Barry has apparently fallen prey to a common biographers' pitfall: over-enthusiasm for his subject. As a result his work suffers from a too idealistic interpretation of Rutledge's individual importance. The conclusions that Rutledge was the directing genius behind Greene's southern campaign, and the prompting force behind Morris and Madison in the writing of the Constitution look to us like a case of wishful thinking. They are hardly acceptable.

But do not allow these remarks to keep you from reading the book. It is something you should read. Rutledge is a character who deserves attention. His extraordinary abilities gave him a power such as few men enjoyed in his time or since. He was the first man in American history to be made dictator by legislative act. His story implies a moral worth noting.

E. H. KORTH

**Thirty-First Star**, by James A. B. Scherer. New York. Putnams. 1942. xiii + 371. \$3.50

General John C. Fremont, Jessie Benton, Dr. William M. Gwinn, General Albert S. Johnston, and Thomas Starr King are figures who need no introduction to the student of California history. These are names that are synonymous with the days of California's emergence into statehood, and it is around these that Mr. Scherer has chosen to center his history of California in the critical years between 1846 and 1864.

This approach was well chosen, and it is admirably seconded by the materials gathered by the author. However these advantages are too frequently offset by the careless manner in which the materials were handled. Lack of organization in the book becomes a distinct barrier to gaining a clear picture of the period; the connection between events is often vague, or even non-existent. This carelessness has even marked the style; it is hasty, rambling, and often resembles a first draft rather than the finished product. Careful and thorough revision is strongly recommended; as the book stands now, it is a poorly-written description of a highly interesting and instructive period of California history.

W. W.

**Free Negro Labor and Property Holding in Virginia, 1830-1860**, by Luther Porter Jackson. New York. D. Appleton-Century Co. 1942. pp. xix + 270. \$3.75

Literature on the American Negro receives a worthy contribution in this study of his economic and, to a certain degree, social position in Virginia from 1830 to 1860. The author has drawn from extensive sources, which are suitably indicated in footnotes, and has compiled several interesting tables which give a good idea of the free Negro at work, the kind of work, his success in it, and the dependence of the community at large upon it. The consequent role played by the Negro as property owner in both rural and urban districts is well treated.

Perhaps more important from the view of Negro study in general, are the first two chapters which set the detailed examination, and which, whether the author intended or not, well represent the early stages of the racial discrimination which still rocks American society today. The first chapter shows to what extent racial discrimination beset the free Negroes in pro-slavery Virginia: hostile legislation, which not only would ban them from the state after a certain period of residence, but eventually denied them the right of trial by jury except in offenses punishable by death; hostile periodicals, which denounced them as a class at every turn; hostile organizations, which performed the functions of the later Ku Klux Klan.

The second chapter explains the economic conditions which enabled the Negroes to withstand that persecution. Both because he did the necessary work which no white man would think of doing, and because he supplied cheap labor at a time when Virginia was staging her industrial rise, the Negro usually managed to attain a place of security in the community.

Those two chapters, however, do present a difficulty. The opposing theses are so strongly defended that they are rendered almost incompatible to the reader; nor is any interpretation by the author forthcoming except in various unconnected passages as the book progresses. Just what was the status of the ordinary,



free Negro during those thirty years? Are we to lean toward the first chapter or the second?

Another omission is that the processes whereby the number of Free Negroes in a supposedly hostile state could grow are not explained until near the end of the book.

But the study is of definite value, and should find a welcome from those interested in the Negro question.

JOSEPH B. SCHUYLER

*The Growth of the American Republic*, by Samuel Eliot Morison, and Henry Steele Commager. 3rd Edition. New York. Oxford University Press. 1942. Vol. I, pp. xvi + 825. Vol. II, pp. xvi + 785. \$7.00 (2 vols.)

This third edition of Morison-Commager's *The Growth of the American Republic* is characterized by the same sound scholarship and accuracy that marked the two earlier editions. The first of these appeared in 1930 as a single volume, and included the period from 1763 to 1917. In 1936-7 a completely rewritten edition was published in two volumes, extending the period since the Civil War down to the second inauguration of President Franklin D. Roosevelt.

In the present, two volume edition the story has been pushed back to the origin of man in America and forward to take in America's entry into the Second World War. In the first volume much of the descriptive matter relating to the colonial period has been omitted, so that the present edition is not substantially larger than the second edition. Aside from this chronological alteration, there have been no decided revisions made.

The text contains many illustrations and maps as well as an adequate bibliography and index.

Fairly and judiciously the authors have treated all the influencing factors—social, economic, literary, and spiritual as well as political—which have shared in the formation of American civilization.

J. J. SCHLAFLY

## MODERN HISTORY

*Inter-American Affairs—1941*, edited by Arthur P. Whitaker. New York, Columbia University Press. 1942. pp. 240. \$3.00

The present work is the first annual volume in a series which promises to be of great usefulness to the student of Latin American affairs. Nor will the student or the professor be the only one to find the series valuable. This "Annual Survey: No. 1" follows a plan splendidly conceived to summarize the developments of the year in question. No series of dry-as-dust, even though important, figures and statistics this! Under such heads as Politics and Diplomacy in 1941, Economics and Finance in 1941, Cultural Relations in 1941, Public Health, Social Welfare, and Labor, the editor has asked experts like himself to tell the story of developments. To these the editor has added an excellent introductory survey on a half-century of Inter-American relations and a dozen very thoughtful pages which he calls "Summary and Prospect." The appendices contain several valuable features not the least of which is a rather full Inter-American chronology for 1941, compiled by Raymond J. Dixon. The bibliographies which follow each of the major studies list the best of the current works and call attention to pertinent periodicals and to individual articles of worth. Libraries and students who are interested in Inter-American affairs should not fail to include this volume and, as we hope, its many successors in their budget.

JOHN F. BANNON

*The War: Third Year*. Edgar McInnis. New York: Oxford University Press, 1942. pp. xiv + 347. \$2.00

Perhaps only the angels can do justice to "history in the making"; but for a mere human professor McInnis has written a fine account of the war-year beginning with September, 1941. His volume, a worthy successor to his two other works, is divided into four sections, each of which covers a three-month period. Here are pictured the see-saw campaigns of Libya, the German army wrenched on the rack that is Russia, the triumphant advance of Japan, the shock of Pearl Harbor, the Battle of the Atlantic. Adequate maps, complete index, and a chronological table help the reader to follow the stream of events. In addition, all pertinent documents are included in the appendix.

The author has wisely refrained from any attempt to probe the motives of the paranoiac Axis leaders, content to outline the basic strategy and recount *what* occurred rather than to explain *why*. Uniting scholarship with journalistic vividness—at times his style approaches the staccato—and editorial skill, professor McInnis has untangled the truth from the fiction to present an integrated, factual record of this year of the war. Those who have been bewildered by the immensity of the conflict and the disparateness of the events will rejoice in the ability of the author to weave them into an intelligible pattern. On the other hand, it seems that he has slighted the part of the people in this "people's war," concentrating on the military happenings. Likewise the writer is over-lenient with British failure to win the support of the native populations in the Far East.

For the United Nations this was a year of defeat and disappointment largely because of under-estimation of the magnitude of the task and a lack of preparedness. For the Axis it was a year of the "just missed." Victorious on all fronts, they were wholly successful on none. With the fourth year promising to break the dynamic stalemate which now prevails, those who wish to collect and organize their knowledge by an over-all view of the third year of the war should study this book.

J. CRIBBIN

*Permanent Revolution*, by Sigmund Neumann. New York. Harper and Brothers. 1942. pp. xviii + 388. \$3.00

*Permanent Revolution: The Total State in a World at War* is a capable analysis of the Totalitarian State from the point of view of its organizers and of its component parts, and in its relation to other States.

In the first chapter of his book, Mr. Neumann correctly defines and sketches the growth of Totalitarianism. To accomplish this, he outlines the growth and progress of three outstanding examples of Totalitarian States, Russia, Italy and Germany. He is correct in concluding that "the rise of modern dictatorship is no mere accident due to a few dynamic personalities in contemporary affairs." Totalitarian States are the "children of a crisis."

The author realizes the importance of the leader in the Totalitarian State, and hence he devotes an entire chapter to the litany of the dictator's heroic characteristics. He is the "master of the machine," the "marginal man," the "condottiere."

The subordinates, the satellites of the Leader, are also of great importance in the smooth running of the Totalitarian State. It is they who keep the intensely organized machine going at fever pitch. They are, moreover, theoretically at least, the guarantee of the permanence of the Totalitarian State. However, Neumann, as everyone else, is uncertain as to the manner of succession in our present dictatorships. It is probably by "*Permanent Revolution*" itself.

The Chapter on "The Control of the Masses" is capably and thoroughly done. The section on "Dictatorship and the Established Churches" is brief and to the point. It is consoling to note that the author gives due attention also to the status of the family under a Totalitarian regime. He does not, moreover, smooth over the fact that Russia too is an enemy of the family, that all-important unit of society. Dictatorships want *large families* because they want *large armies*. The control of youth is, of course, also all-important.

His chapters on Propaganda and Permanent War serve to complete the picture, and the chapter on "Dictatorship in International Politics" gives an even broader view of the Totalitarian State.

On the whole, the book presents a fine and thorough analysis of its subject matter, the Totalitarian State. Not the least of its merits is the fine bibliography appended.

Jos. T. McGLON

*Our Side Is Right*, by Ralph Barton Perry. Cambridge, Mass. Harvard University Press. 1942. pp. vi + 153. \$1.75

This brief book is both stimulating and informative. The author has joined vigor and incisiveness with a true power of analysis and lucid presentation. In all but one chapter he is exceptionally convincing. It is encouraging for one who holds similar views to read Professor Perry's forceful condemnation of materialism, anti-intellectualism and moral relativism, especially since he attaches to them, as they so richly deserve, a



large part of the blame for the present crisis in international affairs.

The statement of the thesis, as it were, in the opening chapter, and his second chapter, "Democracy at the Cross Roads," though purely naturalistic, are, nevertheless, objective and persuasive. His aim, without doubt, is to arouse complacent democratically-minded individuals to a realization of the danger inherent in totalitarianism and to an efficacious will to preserve the right that is theirs. No one can read these pages without perceiving the truth and logical cogency of the arguments employed. Two subsequent chapters, "The Right and the Wrong of Propaganda" and "Nazi Ideology," present in the same clear style an admirably satisfying analysis of the topics under discussion. Their reprinting and wide-spread distribution in leaflet form would greatly forward a task of imperative enlightenment.

Personally I was sorry to find the chapter entitled "A Bridge to Russia" incorporated in this book. The author writes with the same energy; clarity never leaves his pages, but he has ceased to be objective. He appears to be carried away with enthusiasm for Russia as our ally and endeavors to effect a complete white-washing of communism. The jewel of consistency receives very harsh treatment when one who has just completed an urgent appeal for true mortality and the objectivity of right, condones the attainment of an end by means that are both immoral and the antithesis of what is right and just. He stresses communistic theory only in those aspects which would make it palatable, while quite thoroughly ignoring the horrifying facts that make it absolutely unacceptable. The conclusion to be drawn is that nazism is the world's greatest menace, communism can and should be looked upon as a very suitable companion. He recoils from the idea that we have formed "an alliance with enemy number two until enemy number one shall be disposed of." I wonder would the aversion be so great if after the shocking dismemberment of Poland, Russia had continued hand in glove with Hitler. I know of no other plausible reason why Russia is allied with the United Nations other than that Germany marched against the Soviet Union.

Professor Perry speaks in very laudatory terms of American democracy and Christianity, and it is disappointing to see a man of his calibre fail to recognize or admit that Russian communism, as it has proved itself in practice, when linked to either one is not only a contradiction in terms, but a union that is very offensive to a great many people who are Americans and Christians.

PATRICK J. HOLLORAN.

## POLITICAL SCIENCE

*New York, The State and Its Government*, by W. Seward Salisbury. New York. Oxford Book Company. 1942. pp. 124. \$0.48

*New Jersey, The State and Its Government*, by Leonard B. Irwin. New York. Oxford Book Company. 1942. pp. 124. \$0.48

The purpose of both the above books is to supply a concise but up-to-date picture of the structure and principal functions of their respective state governments, and of their localities. Both likewise belong to a series, soon to be completed it is to be hoped, which will facilitate the teaching of local government in the secondary schools of the nation, a knowledge of which is always, but particularly in a national crisis, very important for the development of well-informed citizens, if they are to take a rational participation in their democracy.

For these reasons, both volumes are concerned with much detail and local information. In the treatment of government, they are rather practical than theoretical. Each has a good account of the political, geographical, social and economic features of the state, with detailed delineation of the various institutions organized to carry out the functions of each department. The Constitutions of the states, for instance, are succinctly outlined by the respective authors, the workings of each department traced carefully from the highest executive official in the state to the lowest court in the judiciary branch. Commissions, committees, requirements to hold office, compensations, are all noted in place with equal clearness and brevity. This valuable information is well supplemented and synthesized by numerous charts, which show the connections and dependencies of one branch on the other in both state and city governments. Moreover, each has a goodly share

of maps and economic tables to illustrate the progress in various local departments, of social activities, and of the financial status of the states.

The text-book form is followed in the composition of the books. Each topic has a heading of its own under each chapter, while the usefulness of each is further increased by a careful index. Finally, many of the chapters have questions for review and discussion, not meant to exhaust the wealth of facts given, nor to differentiate the books from mere almanacs, but rather to stimulate the curiosity and personal interest of the student in his own local and state government. It is to be hoped that these texts may find a place not only in the hands of students in the secondary schools of New Jersey and New York, but even in those of the general public,—it will give them a rapid and concise view of the "inside workings" and manifold benefits of their democratic governments.

PETER M. WILEY

*A Diplomatic History of the American People*, by Thomas A. Bailey. 2nd edition. New York. F. S. Crofts. 1942. pp. xxvi + 864. \$4.25

The first edition of *A Diplomatic History* appeared in January, 1940, and went through three printings. The author, a Professor at Stanford University, in this second edition brings his survey of our country's foreign relations up to date, both chronologically and in results of recent scholarship.

Chronologically, this revision adds two new chapters dealing with our diplomacy from September 3, 1939, where the first edition concludes, down to the Pearl Harbor attack and its immediate aftermath in December, 1941. These new chapters are as interestingly and carefully written as the rest, but of necessity they suffer from their proximity to the complex events they outline. Scholarship of the last three years is represented in part by changes in many paragraphs of the previous text, but chiefly by references to new investigations. These recent references are appended separately to the older list of references at the chapter endings, and in a new bibliographical appendix. This method enables the reader to gauge easily what new contributions of importance on various topics have been made. The pagination remains the same up to the two new chapters.

A factual error occurs on page 408. Speaking of the attempted Fenian invasions of Canada, the author writes: "The first serious effort was made in May and June of 1866, when a few hundred Irishmen crossed the Niagara River, only to be dispersed in a ludicrous engagement known as 'the battle of Limestone Ridge.'" The fact is that a Canadian force, not the Irish, was dispersed in this engagement, and the ludicrous element arose from the bungling of the Canadian military command.

Professor Bailey writes a clear, scholarly survey that gains much in interest and entertainment from the emphasis it places on expressions of public opinion regarding foreign policy. He candidly presents the vices as well as the merits of our national diplomatic career.

R. ROBERTS

*John Ponet (1516?-1556)*, by Winthrop S. Hudson. Chicago. University of Chicago Press. 1942. pp. viii + 246. (Facsimile reproduction). \$4.50

John Ponet lived in that English day when Churchmen were either dying for their own principles or feverishly striving to align themselves with the principles of the powers that be. Ponet was of this latter group. He readily agreed—to quote him—that "to give license to sin was sin," but he was broad-minded enough "to suffer and wink at it for a time." It is easy to see from this why very little time should be allowed for study of John Ponet, ecclesiastic of the High Church.

In political thought, Ponet has mustered all the high-sounding phrases. He seems to have his leaders subordinate to God and the populace subordinated to the leaders, but when one comes to his views on authority, he finds the clergyman a little out of step and wonders if he really believed in subordination at all. He favored a king "suche unto whom the people have not given suche authorities (to make positive law) but kepe it in themselves." With no little difficulty one separates this from the law of the mob, rope, and blow-torch.

The author, Mr. Hudson, does well with a poor subject, and the chief merit of the book lies not in his depicting Ponet, but rather the times in which he lived.

CHARLES I. PRENDERGAST